

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Hughes Network Systems, LLC) File No. SAT-LOI-20111220-00242
)
Letter of Intent Seeking Access to U.S.)
Market Using a Planned Ka/V-band)
Geostationary-Satellite Orbit Space)
Station)
)

REPLY OF IRIDIUM SATELLITE LLC

In the above-captioned application, Hughes Network Systems, LLC (“HNS”) has requested a letter of intent authorization that would enable it to access the U.S. market via a geostationary satellite orbit (“GSO”) fixed satellite service (“FSS”) Ka/V-band space station, Jupiter 91W, to be located at 90.9° W.L. Iridium filed comments addressing HNS’s application on March 26, 2012, and HNS responded to the comments on April 5, 2012.

Pursuant to Section 25.154(d) of the Commission’s rules,¹ Iridium hereby replies to HNS.² This reply is limited to two issues: (1) whether HNS must show, when it files

¹ 47 C.F.R. § 25.154(d).

² Section 25.154 provides for a three-step pleading cycle in which the initial filer has an opportunity to reply. It appears, therefore, that Iridium is entitled as a matter of right to file a reply. To the extent necessary, however, Iridium respectfully requests leave to file this reply. Iridium’s request is supported by good cause. This reply is limited to two points. On the first point, Iridium corrects an HNS misstatement of the legal principles that will govern HNS applications for earth station authority. This is the first opportunity Iridium has had to address the misstatement, and rectifying matters now reduces the likelihood that HNS will, based on an incorrect legal position, make network design decisions that pose a risk of harmful interference to Iridium. On the second point, Iridium corrects an HNS misinterpretation of Iridium’s position, and this correction makes for a clearer record.

for earth station licenses in the 29.25-29.3 GHz sub-band, that its earth stations will not cause harmful interference to co-primary feeder link earth stations operated by Iridium; and (2) whether Iridium has requested that the Commission attach conditions to any grant of HNS's above-captioned space station application.

Harmful Interference to Iridium's Feeder Links

As demonstrated in Iridium's initial comments, HNS will need to show, when it files for earth station licenses in the 29.25-29.3 GHz sub-band, that its earth stations will not cause harmful interference to Iridium's co-primary feeder links.³ HNS claims in its response that Iridium's position is "incorrect."⁴ Section 25.203(k) of the Commission's rules, however, contradicts HNS's claim. Section 25.203(k) states explicitly that an applicant for an earth station⁵ that will communicate with a GSO satellite in a band, such as the 29.25-29.3 GHz sub-band, that is shared with NGSO feeder links, "shall demonstrate in its applications that its proposed earth station will not cause unacceptable interference" to the NGSO feeder links.⁶ Accordingly, it is HNS's position that is "incorrect."

³ Iridium comments at 2.

⁴ HNS reply comments at 1.

⁵ Section 25.203(k) does not apply to ESV and VMES earth stations, neither of which are at issue in this matter.

⁶ Section 25.203(k) gives GSO earth station applicants the option, in lieu of a "no unacceptable interference" showing, of demonstrating that they have entered into, and will comply with, a coordination agreement with the NGSO feeder link operator. The option has no bearing on this matter; HNS has not entered into a coordination agreement with Iridium.

Conditions on a Grant of HNS's Space Station Application

HNS characterizes Iridium as having requested a condition on HNS's space station authority to the effect that any construction undertaken by HNS before the FCC considers the potential for interference to Iridium's feeder links is at HNS's own risk.⁷ Iridium, however, did not request any conditions. It simply stated a fact concerning HNS's construction activities. HNS has disclaimed any desire for the Commission to adjudicate at this stage issues relating to HNS's earth stations causing interference to Iridium's feeder links.⁸ Having taken this position, HNS will have no cause for complaint if it proceeds with construction and the Commission subsequently determines, after HNS has filed earth station applications, that the construction conflicts with HNS's obligation under Section 25.203(k) to avoid causing unacceptable interference to Iridium's feeder links. Any construction during this interim period, therefore, must be at HNS's risk.

⁷ HNS reply comments at 2.

⁸ HNS reply comments at 2.

CONCLUSION

For the reasons stated herein and in Iridium's initial comments, Iridium has no objection to a grant of HNS's above-captioned application, but HNS will have to respond adequately to the interference concerns Iridium has raised before HNS may be authorized to operate earth stations that transmit in the 29.25-29.3 GHz sub-band and communicate with HNS's proposed space station.

Respectfully submitted,

IRIDIUM SATELLITE LLC

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April 17, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing REPLY OF IRIDIUM SATELLITE LLC was sent by hand delivery on this 17th day of April, 2012, to the following:

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Hughes Network Systems, LLC
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Attention: Mr. Steven Doiron*

*Sent electronically

/s/ Jennifer Tisdale
Jennifer Tisdale