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

Federal Communications Commission  
Office of the Secretary

In re Application of )

HUGHES COMMUNICATIONS GALAXY, INC., )

For Interim Assignment of the )  
Galaxy VI Domestic Fixed-Satellite )  
to the 99° W.L. Orbital Position )

File No.

13-DSS-ML-90

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Domestic Facilities Division  
Satellite Radio Branch

REQUEST FOR  
INTERIM ASSIGNMENT OF ORBITAL LOCATION

Hughes Communications Galaxy, Inc. ("HCG") hereby requests an interim assignment to 99° W.L. of its C band Galaxy VI satellite (currently assigned to 91° W.L.). As explained in more detail below, the interim assignment period would begin in mid-1991 and would last for approximately two years.<sup>1/</sup> For the reasons given below, this interim assignment would constitute an efficient use of the radio spectrum and would provide substantial public benefits.

HCG is the licensee and operator of the Galaxy and Westar satellite systems, which include six in-orbit C band satellites and their authorized future replacements as well as two Ku band authorizations. One of these C band satellites is Westar IV, currently operating at 99° W.L. Westar IV is heavily used by the companies that own or lease its transponders, which

<sup>1/</sup> Galaxy VI (formerly called Westar VI-S) is committed for launch into the 91° location this June and will remain there until moved to 99° for the interim assignment period.

in turn are used to provide audio and video services to large numbers of users.

Westar IV is currently expected to reach end of life in late 1991. HCG is authorized to replace Westar IV at the end of its life with a conventional C band satellite at the 99° W.L. location. The Commission also recently awarded HCG authorization to operate a Ku band satellite at the same 99° position. 1988 Orbital Assignment Order, 3 FCC Rcd 6972 (1988). These two orbital assignments, together with recent developments in satellite technology, present HCG with an opportunity to use a state-of-the-art hybrid (C and Ku band) satellite at the 99° location. In order to provide the benefits of this new technology to the public as soon as possible, HCG has recently sought Commission consent to modify its existing authorizations at 99° to allow HCG to construct, launch and operate a single C and Ku band hybrid satellite instead, to be known as "Galaxy IV(H)." See Hughes Communications Galaxy, Inc., 1-DSS-MP/ML-89, et al. (filed October 3, 1989) (the "Galaxy IV(H) Application").

The Galaxy IV(H) Application described the substantial public benefits that would accrue from modifying HCG's authorization to allow the use of a hybrid at 99° W.L. The Galaxy IV(H) Application acknowledged, however, that Galaxy IV(H) cannot be launched until 1993, well after the expected end of life of Westar IV in late 1991. At the same time, as also recognized in the Galaxy IV(H) Application, pressing business demands compel HCG to seek to provide continuous coverage at 99°.

In light of these timing constraints, HCG stated in the Galaxy IV(H) Application that it would seek Commission consent to locate another satellite at the 99° location on an interim basis, starting before the end of life of Westar IV, in order to provide continuous C band coverage at that location and avoid any disruption to Westar IV users. The Galaxy IV(H) Application identified a number of candidates for this interim assignment.

After assessment of the business, technical, and regulatory effects of using each of the possible satellites, HCG has selected Galaxy VI as the satellite best suited to provide interim C band service at 99° W.L.<sup>2/</sup> Galaxy VI has been assigned to 91° W.L. HCG has a contract with Arianespace to launch Galaxy VI in June 1990. Upon successful launch and placement in orbit of Galaxy VI, HCG will provide capacity on that satellite on a preemptible basis. In this fashion, Galaxy VI will be available to be relocated to the 99° location by the end of life of Westar IV without causing any unanticipated interruption to the users of Galaxy VI at 91°.

In 1993, when the Galaxy IV(H) hybrid satellite has been successfully placed in service at the 99° location, HCG will once again be able to assure a smooth transition of C band

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<sup>2/</sup> On November 27, 1989 American Satellite Company ("Contel ASC") filed comments relating to the Galaxy IV(H) Application. Contel ASC expressed concern about HCG's plans to provide continuous C band service at 99°. As explained in its reply filed on December 12, 1989, HCG for its own business reasons desires to provide interim C band capacity at 99°. Thus, HCG noted that it intended shortly to request authorization from the Commission to locate Galaxy VI at 99° on an interim basis. This filing is the interim assignment request designed to implement HCG's plans.

services to the permanent capacity on Galaxy IV(H) at the same 99° location. At that time, the interim assignment will cease and Galaxy VI will be available to return to 91° or to such other location as the Commission may assign it.<sup>3/</sup>

Accordingly, HCG has filed this Request for Interim Assignment of Orbital Location (the "Request") seeking Commission consent to relocate Galaxy VI to 91° W.L. during the time period described above in order to allow the smooth and uninterrupted provision of C-band satellite service at 99° W.L. Grant of this Request will not affect the 1988 Orbit Assignment Order, 3 FCC Rcd 6972 (1988), or the reconsideration of that order, FCC 89-364 (adopted Dec. 28, 1989). The Commission has assigned both the 99° and the 91° location at C band to HCG, and no other satellite operator has a pending request for reassignment to those locations. The temporary assignment of Galaxy VI to the

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<sup>3/</sup> HCG will also be applying for authorization to launch a hybrid satellite, to be known as Galaxy VII(H), into the 91° location in late 1992. (This application will be contingent upon grant of HCG's pending application to acquire control of Satellite Transponder Leasing Corporation, which is the licensee of SBS-4, the Ku band satellite located at 91°.) If the Galaxy VII(H) application is not approved, Galaxy VI will return to its 91° location when the 99° hybrid is launched. If the Galaxy VII(H) application is approved, Galaxy VI will be redundant at the 91° location (because of the C band payload on Galaxy VII(H)). Thus, HCG will seek an appropriate assignment for Galaxy VI after it is no longer needed at 99°. HCG may seek consent to use Galaxy VI to replace an existing or newly authorized Galaxy satellite. Alternatively, HCG may seek an additional orbital location for Galaxy VI (which would in all likelihood result in a new processing round). Regardless of what action the Commission may ultimately take on the Galaxy VII(H) application or the post-1992 location of Galaxy VI, however, granting this Request will serve the public interest by allowing consumers to realize the benefits resulting from the uninterrupted provision of C band satellite capacity at the 99° location.

99° location will not affect the Commission's assignment plan for that position.

The proposed temporary assignment also will not disrupt any satellites adjacent to 99°. Galaxy VI meets the minimum technical standards required for new satellite systems.<sup>4/</sup> Galaxy VI's compatibility in a two-degree spacing environment has already been demonstrated--the Commission authorized it for the 91° location--and it will be equally compatible at 99°.

This Request is consistent with prior Commission decisions. In 1986 the Commission granted GTE Satellite Corporation temporary authority to locate a GSTAR satellite at 124° to provide interim capacity for Federal Express until Federal Express could launch its satellite into the 124° location. See Letter From Chief, Domestic Facilities Division To Leslie A. Taylor, (April 22, 1986). In addition, in Satellite Business Systems, File No. 170-DSS-MP/ML-84 (July 9, 1984), the Commission authorized SBS to locate SBS-4 at 101° to provide interim service to Satellite Television Corporation ("STC"), pending the launch of STC's satellite into 101°. Indeed, in that decision, the Commission specifically recognized that the temporary location of a satellite to provide interim service pending the launch of another satellite contributed to the Commission's objective of "achieving more efficient utilization of the orbit and spectrum resource." Id. ¶ 4. See also id. n.9 (Canadian satellite provided interim service to GTE at 105°

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<sup>4/</sup> See Two-Degree Spacing Order, 54 Rad. Reg. 2d (P&F) 577, 598 (1983).

pending the launch of a GTE satellite into 105°); Comsat General Corporation, 2 FCC Rcd 4570 (1987); Comsat General Corporation, 3 FCC Rcd 4071 (1988).

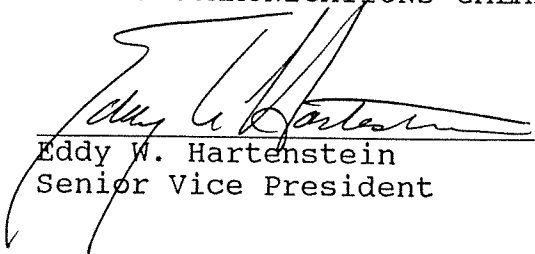
Granting this Request will serve the public interest by allowing users to obtain the capacity that is needed to ensure uninterrupted coverage at 99°. Grant of this Request will not disrupt the current orbit assignment plan nor will it cause any unexpected interruption to users at 91°.

HCG has a firm contract with Arianespace to launch Galaxy VI this June, at which time it will place Galaxy VI into the 91° location. By this Request, HCG seeks consent to relocate Galaxy VI to the 99° location in late 1991. In order to achieve this goal, it is of great importance for HCG to know as soon as possible whether it will be able to relocate Galaxy VI to 99°. HCG therefore respectfully requests that the Commission grant this Request as soon as possible.

Respectfully submitted,

HUGHES COMMUNICATIONS GALAXY, INC.

By:

  
Eddy W. Hartenstein  
Senior Vice President

January 5, 1990