

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

In re Application of)
)
HUGHES COMMUNICATIONS GALAXY, INC.) File No. 13-DSS-ML-90
)
For Interim Assignment of the)
Galaxy VI Domestic Fixed-Satellite)
to the 99° W.L. Orbital Position)
_____)

REPLY OF
HUGHES COMMUNICATIONS GALAXY, INC.

Hughes Communications Galaxy, Inc. ("HCG") hereby replies to the comments of GE American Communications, Inc. ("GE Americom"), American Satellite Company ("Contel ASC"), and National Public Radio ("NPR") in this proceeding.

HCG has filed a request for authority to operate Galaxy VI (formerly Westar VI-S) at the 99° W.L. location on an interim basis (the "Request"). As HCG explained in the Request, the purpose of this interim assignment is to provide C band capacity at 99° W.L. from the end of the useful life of Westar IV until the initiation of service on HCG's proposed Galaxy IV(H) satellite. Request at 2-4.

Significantly, no party has filed a petition to deny, or even comments in opposition to, the grant of this Request. NPR has expressed support for the Request and urges the Commission to rule favorably and expeditiously. GE Americom and Contel ASC explicitly do not oppose the Request, but have merely requested that certain matters be clarified.

1. GE Americom

GE Americom does not address the merits of HCG's Request, but only comments on one aspect of the Request: the fate of Galaxy VI after Galaxy IV(H) is placed into service at 99° W.L. Although Galaxy VI currently is assigned to the 91° W.L. location, HCG explained in the Request that it soon would apply for authority to launch a hybrid satellite into the 91° location, to be known as Galaxy VII(H). Request at 4 n.3.^{1/} HCG recognized that if Galaxy VII(H) is approved, Galaxy VI would be redundant at the 91° location because of the C band payload on Galaxy VII(H). HCG stated that if this occurred, HCG would then seek an appropriate assignment for Galaxy VI.^{2/}

GE Americom requests that the Commission remind HCG that if Galaxy VI does not return to its now-assigned 91° W.L. location, that "HCG should not, by virtue of having an in-orbit satellite, receive a preference over any other applicant to reassign Galaxy VI to an available but unassigned orbital location." GE Americom Comments at 2. HCG has already acknowledged, however, that it would not seek any such preference. HCG explicitly recognized in the Request that if it applies for an additional orbital location for Galaxy VI, such an application "would in all likelihood result in a new processing

1. HCG, along with Satellite Transponder Leasing Corporation, filed this application on February 15, 1990.

2. HCG suggested two possibilities: (i) using Galaxy VI to replace an existing or a newly authorized Galaxy satellite, or (ii) requesting an additional orbit location for Galaxy VI. Request at 4 n.3.

round." Request at 4 n.3. Accordingly, GE Americom's concern that HCG will try to obtain preferential treatment for Galaxy VI is unfounded.

2. Contel ASC

Contel ASC, as an owner of capacity on Westar IV, essentially requests that HCG clarify the date on which HCG intends to replace Westar IV with Galaxy VI. As explained at length in the Request, however, HCG plans to utilize Galaxy VI to provide interim C band capacity at 99° W.L. from the end of the useful life of Westar IV until Galaxy IV(H) (Westar IV's replacement) begins successful operation. Request at 2-4. To allay Contel ASC's concerns that its ability to utilize capacity on Westar IV will be prematurely terminated, HCG again states for the record that it will not begin service on Galaxy VI at the 99° W.L. location until the end of useful life of Westar IV, which currently is projected to occur in late 1991.^{3/}

3. NPR

NPR, as an owner of capacity on Westar IV, strongly supports the Request. NPR explains that it has contracted with HCG both for follow-on capacity on Galaxy IV(H), and for interim capacity on Galaxy VI. In its comments NPR lists some of the many public interest benefits that will accrue from the interim assignment of Galaxy VI. As NPR states, the interim assignment

3. In order to assure continuity of service at 99° W.L., of course, HCG will need to move Galaxy VI to that orbital location before Westar IV reaches the end of its useful life. Only by locating Galaxy VI at the 99° location before Westar IV reaches the end of its useful life can HCG assure a smooth transition of C band services from Westar IV to Galaxy VI. For this reason, HCG expects to relocate Galaxy VI to 99° W.L. in mid-1991.

of Galaxy VI is essential to providing "[u]ninterrupted program delivery to the nation's public radio stations and listening public." NPR Comments at 3. For these reasons, NPR concludes that a prompt resolution of the Request is essential to the future planning of the Public Radio Satellite Interconnection System.

Conclusion

As set forth above, neither GE Americom's nor Contel ASC's Comments on the Request raise issues that HCG has not already addressed. HCG, however, has restated its position in this Reply to resolve these concerns fully. In addition, the Comments of NPR confirm the public interest benefits that will arise from a grant of the Request. For these reasons, HCG respectfully requests that the Commission rule on the Request both favorably and expeditiously.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Debra L. Benthien, hereby certify that on this 13th day of March, 1990, copies of the foregoing were mailed, first class mail, postage prepaid, to the following:

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