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Washington, DC 20004-1109  
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Federal Communications Commission  
Office of the Secretary

CONTEL

February 23, 1990

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: Hughes Communications Galaxy, Inc.  
Request for Interim Assignment of  
Galaxy VI to 99°  
File No. 13-DSS-ML-90

Attn: Cecily Holiday  
2025 M Street, N.W.  
Suite 6324

Dear Ms. Searcy:

American Satellite Company, d/b/a Contel ASC ("Contel ASC"), by its attorney, hereby submits these comments on the application of Hughes Communications Galaxy, Inc. ("HCG") that is captioned above. By this application, HCG proposes to place its Galaxy VI satellite at 99° for a period of approximately five years beginning in 1991. Contel ASC's interest in HCG's application arises from the fact that Contel ASC owns nine transponders on Westar IV, the satellite that Galaxy VI will replace.

The present application has its origins in the October, 1989 request of HCG for authority to modify its C- and Ku-band satellites assigned to 99°. In that application, HCG also sought authority to delay the required launch date for its C-band satellite from May, 1991 until March, 1993. HCG's proposal regarding the location of Galaxy VI is designed to ensure continuous C-band availability at 99° following the death of Westar IV in late 1991.

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<sup>1</sup> See Application of Hughes Communications Galaxy, Inc., File Nos. 1/2-DSS-MP/ML-89 and 3-DSS-ML-89.

If the Commission grants HCG its requested launch delay, then HCG must clarify the date on which Galaxy VI will replace Westar IV before the Commission can take any action on the application at hand. HCG states on page 1 of the application that it plans to place Galaxy VI at 99° in "mid-1991," but then states on the last page that it will relocate Galaxy VI in "late 1991." As HCG is well aware, Contel ASC's transponders on Westar IV are valuable assets that are vital to Contel ASC's business and that Contel ASC expects to use at 99° through the end of life of the satellite. If HCG plans to replace Westar IV at 99° at any time prior to the death of this satellite, then Contel ASC reserves the right to object to such plans in all appropriate forums.

Respectfully submitted,

American Satellite Company  
d/b/a Contel ASC

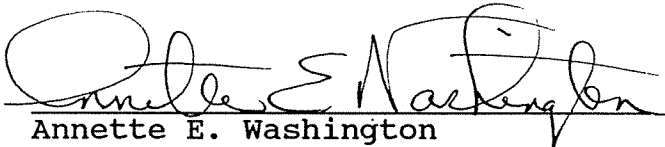
By:

  
Joan M. Griffin  
Its Attorney

CERTIFICATE OF SERVICE

I, Annette E. Washington, hereby certify that on this 23rd day of February 1990, a copy of the foregoing letter from American Satellite Company to Ms. Donna R. Searcy was mailed, postage prepaid to the following:

Gary M. Epstein, Esquire  
James F. Rogers, Esquire  
John P. Janka, Esquire  
Latham & Watkins  
1101 Pennsylvania Avenue, N.W.  
Suite 1300  
Washington, DC 20004-2505

  
Annette E. Washington

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FEB 26 1990

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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MAR 1 1990

Domestic Facilities Division  
Satellite Radio Branch

COMMENTS OF  
GE AMERICAN COMMUNICATIONS, INC.

GE Communications, Inc. ("GE Americom") hereby comments on one aspect of the request of Hughes Communications Galaxy, Inc. ("HGC") for an interim assignment of its Galaxy VI satellite to 99° W.L., from 1991 to 1993, purportedly to provide continuity of service to customers after Westar IV reaches its end of life and before HGC replaces it.

While GE Americom does not have a position on the merits of HGC's request, we would like to comment on the future of Galaxy VI after it completes its two-year bridge service. According to HGC, it plans to seek a further modification<sup>1</sup> of the Commission's

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<sup>1</sup> HGC has already applied, in File No. 1-DSS-MP/ML-89, to modify its authorization at 99° to locate the Galaxy IV(H) hybrid satellite at this position.

carefully-crafted 1988 Orbit Allocation Plan<sup>2</sup>, this time to launch a hybrid satellite, to be dubbed Galaxy VII(H), into the 91° orbital location that the Commission assigned to Galaxy VI. Assuming authorization to use a hybrid satellite at 91°, HGC states that, when Galaxy VI is no longer needed in its temporary assignment at 99°, the satellite will become "redundant," entitling HGC to retain this satellite as an in-orbit spare, use it to replace an existing Galaxy satellite, or seek "an appropriate assignment" for it.<sup>3</sup>

GE Americom reserves the right to comment when and if HGC seeks what it considers "an appropriate assignment" for Galaxy VI. In the meantime, we would simply request the Commission to remind HGC that, if it does not locate Galaxy VI in its assigned position at 91° after its continuity is completed, HGC 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. To grant HGC such a preference to a particular orbital location merely because it has launched an otherwise mothballed satellite, without giving other applicants seeking such a position an opportunity to stake their own claims, would violate basic considerations of fairness, as

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<sup>2</sup> In the Matter of Assignment of Orbital Locations to Space Stations in the Domestic Fixed Satellite Service, 3 FCC Rcd 6972 (1988).

<sup>3</sup> Request for Interim Assignment of Orbital Location at 4 n. 3.

well as the Commission's established policy of considering all applications for orbital assignments as a group rather than separately. In other words, if HGC uses Galaxy VI only to provide continuity to service at 99°, it should do so at its risk that it will not necessarily be reassigned to the next available orbital location that becomes open.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alexander P. Humphrey", with a stylized flourish at the end.

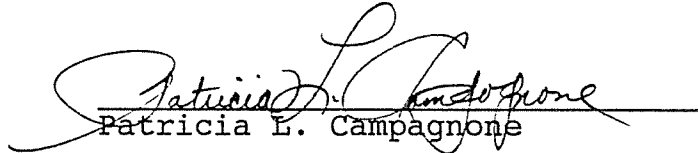
Alexander P. Humphrey  
GE American Communications, Inc.  
1331 Pennsylvania Ave., N.W.  
Washington, D.C. 20003  
(202) 637-4115

February 26, 1990

CERTIFICATE OF SERVICE

I, Patricia L. Campagnone, hereby certify that a copy of the foregoing document was sent via U.S. first class mail, postage prepaid, to:

Gary Epstein, Esq.  
Latham & Watkins  
Suite 1300  
1001 Pennsylvania Avenue, NW  
Washington DC 20004-2505  
Attorney for Hughes Communications  
Galaxy, Inc.

  
Patricia L. Campagnone