

PN: 5/1/97, SPB-79

FCC/MELLON APR 16 1997

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

In the Matter of)

HUGHES COMMUNICATIONS)
GALAXY, INC.)

Application for Orbital Reassignment)
of the SBS-4 Fixed-Service Satellite)
to the 81° W.L. Orbital Position)

File No.: 61-SAT-ML-97

APPLICATION FOR ORBITAL REASSIGNMENT

Hughes Communications Galaxy, Inc. ("HCG") hereby requests that the Commission reassign the SBS-4 fixed-service communications satellite from the satellite's current 77° W.L. orbital location to 81° W.L., and that the Commission modify its current Orbital Assignment Order¹ to reflect this reassignment. HCG seeks this reassignment because, in the recent C and Ku band processing round, the Commission assigned the 77° W.L. location used by SBS-4 to another applicant, Loral Space and Communications, Ltd. ("Loral"). In order to avoid disruption to its customer's services, HCG proposes to relocate SBS-4 to 81° W.L. prior to the launch of Loral's satellite into the 77° W.L. location. For the reasons set forth below, HCG also respectfully requests expeditious processing of its request.

¹ Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, 11 FCC Rcd 13788 (1996). Hughes already has pending a request to correct a ministerial, typographical error in the Orbital Assignment Order, which fails to note that SBS-4 is authorized to operate at the 77° W.L. orbital location. See Letter from John Janka, Counsel to HCG to William F. Caton, Acting Secretary, FCC (June 6, 1996) and Erratum (June 11, 1996).

HCG currently operates the Ku band SBS-4 satellite at 77° W.L. pursuant to Commission authority.² SBS-4's initial ten-year license term has expired. On August 29, 1994, HCG filed an application for modification of the license to extend the satellite's license term or, alternatively, for special temporary authority to operate the satellite for a period of 180 days following the expiration of the satellite's license term.³ HCG has filed successive requests for further grants of authority to continue operating the satellite at the 77° W.L. location every 180 days.⁴ On April 7, 1997, the Commission authorized HCG to operate the SBS-4 satellite through August 29, 1997.⁵

At the 77 ° W.L. location, SBS-4 is fully dedicated to providing essential services to the NBC network. HCG's business arrangement with NBC allows NBC to utilize the SBS-4 satellite until the end of the satellite's useful life. In order to conserve fuel and prolong the useful life of the satellite, and pursuant to Commission authority,⁶ HCG is operating the satellite in inclined orbit. HCG estimates that SBS-4 has sufficient fuel remaining to continue to provide service for approximately seven more years.

In the recent C and Ku band processing round, the Commission assigned the 77° W.L. orbital location that SBS-4 presently occupies to Loral for use by the Loral 2 hybrid (C and

² Hughes Communications Galaxy, Inc., 7 FCC Rcd 7119, 7121-7122 (1992).

³ Hughes Communications Galaxy, Inc., FCC File Nos. 59-DSS-ML-94, 60-DSS-STA-94.

⁴ See Letter from Thomas S. Tycz, FCC to Arlene C. Kahng, Assistant Secretary, HCG (Aug. 30, 1996); Letter from Thomas S. Tycz, FCC to Scott B. Tollefsen, Vice President, HCG (Sept. 29, 1995).

⁵ See Letter from Thomas S. Tycz, FCC to Teresa D. Baer, Latham & Watkins (Apr. 7, 1997).

⁶ Hughes Communications Galaxy, Inc., 9 FCC Rcd 2155 (1994).

Ku band) satellite.⁷ Upon the launch of the Loral 2 satellite into that orbital location, HCG will need to relocate the SBS-4 satellite, and HCG therefore submits this orbital reassignment request.

Specifically, HCG requests that the Commission reassign SBS-4 to the 81° W.L. location. Reassignment of the SBS-4 satellite to 81° W.L. would serve the public interest by allowing NBC to continue to provide valuable services to the public using its existing earth station equipment. In addition, because it originally was designed to provide service at 91° W.L., SBS-4 actually is better suited to provide service at 81° W.L. than at its current 77° W.L. orbital location. Moreover, grant of this request will not have any adverse effect on other users of the orbital arc. Since its launch in 1984, the 20-watt Ku band SBS-4 has operated successfully in a 2° spacing environment. Similarly, operating the satellite adjacent to the operations proposed by GE American Communications, Inc. ("GE") and Echostar Satellite Corporation at the 79° W.L. and 83° W.L. locations, respectively, would not cause unacceptable interference to those satellites. HCG acknowledges that since SBS-4 operates in inclined orbit, the satellite is required to make way for a satellite that operates within normal stationkeeping parameters.⁸

In addition, HCG requests expedited processing of this orbital reassignment request in order to allow SBS-4 to transition to 81° W.L. without disrupting service to NBC. No Ku band services currently are offered from 79° W.L. In the recent C and Ku band processing

⁷ Loral Space and Communications, Ltd., DA 96-1941 (rel. Nov. 21, 1996); Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, 11 FCC Rcd 13788 (1996).

⁸ See Hughes Communications Galaxy, Inc., 7 FCC Rcd 7119, 7120, ¶ 7 (1992); Comsat General Corp., 5 FCC Rcd 5622, 5622, ¶ 4 (1990); Comsat General Corp., 4 FCC Rcd 3820, 3821, ¶ 8 (1989); cf. AT&T Corp., 11 FCC Rcd 10570 (1996).

round, however, the Commission assigned the 79° W.L. orbital location to GE,⁹ and HCG has been advised that GE expects to launch its hybrid (C and Ku band) GE-5 satellite into that location in 1998. In order to avoid having to turn off the SBS-4 satellite while it moves across the 79° W.L. location to a new orbital location, so as not to disrupt NBC's service, HCG respectfully requests authority to move the satellite to 81° W.L. at this time.

Officials of GE, which is authorized to operate the Satcom K-2 satellite at 81° W.L., but which currently is not using that location, have authorized HCG to state that GE does not object to HCG's proposed relocation of the SBS-4 satellite to the 81° W.L. location.¹⁰

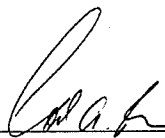
⁹ GE American Communications, Inc., 11 FCC Rcd 15030 (1996); Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, 11 FCC Rcd 13788 (1996).

¹⁰ PanAmSat License Corp. ("PanAmSat") has informally requested that its proposed PAS-12 satellite be assigned to 81° W.L. On April 4, 1997, the Commission granted consent to the merger of Hughes Communications, Inc.'s and PanAmSat's satellite systems. See Hughes Communications, Inc. and Affiliated Companies, and Anselmo Group Voting Trust/ PanAmSat Licensee Corp. and Affiliated Companies, FCC 97-121 (rel. Apr. 4, 1997). In any event, PanAmSat's application to construct, launch and operate the PAS-12 satellite states that PAS-12 is not planned for launch until April 1999.

For the reasons set forth above, granting this reassignment request will serve the public interest by allowing NBC to continue to provide essential services to the public without causing unacceptable interference to satellites operating at adjacent orbital locations. HCG respectfully requests that the Commission expeditiously grant this request.

HCG certifies that neither HCG, nor its parent company, Hughes Communications, Inc. ("HCI"), nor any of the officers or directors of HCG or HCI, is subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 852.

Respectfully submitted,
HUGHES COMMUNICATIONS GALAXY, INC.

By: 

Carl A. Brown
Senior Vice President

April 16, 1997

ENGINEERING CERTIFICATION

I hereby certify that I am the technically qualified person responsible for preparation of the engineering information contained in this Application for Orbital Reassignment, that I am familiar with Part 25 of the Commission's Rules, that I have either prepared or reviewed the engineering information submitted in this Application and that it is complete and accurate to the best of my knowledge.

Dated this 16 day of April, 1997.

By:



Bernard F. Vecerek, Ph.D.
Manager, Systems Engineering
Hughes Communications Galaxy, Inc.