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File Number: SAT-MOD-20071011-00139

File # SAT-MOD-20071011-00139  
with attached conditions

Call Sign S2663 Grant Date 4/18/2008  
(or other identifier)

Approved by OMB  
3060-0678

Term Dates  
From See Conditions To: See Conditions

Approved: [Signature] Chief Satellite Division  
Robert G. Nelson

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM

FCC Use Only

FCC 312 MAIN FORM FOR OFFICIAL USE ONLY

#### APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

HCI - SPACEWAY 3 Mod. to Add Non-U.S. Downlink Beams

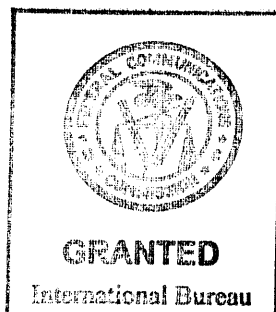
#### 1-8. Legal Name of Applicant

<b>Name:</b>	Hughes Communications, Inc.	<b>Phone Number:</b>	301-428-5506
<b>DBA Name:</b>		<b>Fax Number:</b>	301-428-2802
<b>Street:</b>	11717 Exploration Lane	<b>E-Mail:</b>	sdoiron@hns.com
<b>City:</b>	Germantown	<b>State:</b>	MD
<b>Country:</b>	USA	<b>Zipcode:</b>	20876 -
<b>Attention:</b>	Mr Steven Doiron		

Hughes Communications, Inc.  
Attachment – Conditions of Authorization  
SAT-MOD-20071011-00139  
Call Sign: S2663  
April 18, 2008

Hughes Communications, Inc. (Hughes) application for modification, IBFS File No. SAT-MOD-20071011-00139, is GRANTED.<sup>1</sup> Accordingly, Hughes is authorized to modify its SPACEWAY 3 Ka-band Fixed-Service Satellite to operate 10 additional downlink beams to provide service outside of the United States, including Canada, Mexico, and South America, using the 19.7-20.2 GHz band.<sup>2</sup> The conditions contained in Hughes' prior authorizations remain in effect.<sup>3</sup> Hughes's operation of the SPACEWAY 3 satellite at the 94.95° W.L. orbital location is also subject to the terms and conditions in its application, this attachment, and the Commission's rules.

1. Hughes Communications, Inc. is required to obtain all necessary authorizations from each country which it seeks to serve before beginning service to that country.
2. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. 0.261, and is effective immediately.



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Robert G. Nelson Division

<sup>1</sup> This modification application was placed on Public Notice on January 11, 2008. See Satellite Space Applications Accepted for Filing, Policy Branch Information, Report No. SAT-00493 (Jan. 11, 2008). No comments were filed.

<sup>2</sup> In a prior modification request, Hughes indicated that that these downlink beams were incorporated on the satellite, but that it was not seeking authority to operate the beams outside the territory of the United States at that time. Hughes Communications, Inc., File Nos. SAT-MOD-20050523-00106 and SAT-AMD-20060306-00025 (grant stamped with conditions, June 29, 2006).

<sup>3</sup> See Hughes Communications, Inc., File Nos. SAT-LOA-20050214-00038 (grant stamped with conditions, April 19, 2005); SAT-MOD-20050523-00106 and SAT-AMD-20060306-00025 (grant stamped with conditions, June 29, 2006); and SAT-MOD-20060901-00093 (grant stamped with conditions, September 29, 2006).

9-16. Name of Contact Representative

<b>Name:</b>	Stephen D. Baruch/David S. Keir	<b>Phone Number:</b>	(202) 429-8970
<b>Company:</b>	Leventhal Senter & Lerman PLLC	<b>Fax Number:</b>	(202) 293-7783
<b>Street:</b>	2000 K Street, N.W. Suite 600	<b>E-Mail:</b>	sbaruch@lsl-law.com
<b>City:</b>	Washington	<b>State:</b>	DC
<b>Country:</b>	USA	<b>Zipcode:</b>	20006-
<b>Attention:</b>	Stephen D. Baruch	<b>Relationship:</b>	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- ☐ a1. Earth Station  
☒ a2. Space Station

- (N/A) b1. Application for License of New Station  
(N/A) b2. Application for Registration of New Domestic Receive-Only Station  
☐ b3. Amendment to a Pending Application  
☒ b4. Modification of License or Registration  
b5. Assignment of License or Registration  
b6. Transfer of Control of License or Registration  
☐ b7. Notification of Minor Modification  
(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite  
(N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States  
(N/A) b10. Other (Please specify)  
(N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States  
(N/A) b12. Application for Database Entry  
☐ b13. Amendment to a Pending Database Entry Application  
☐ b14. Modification of Database Entry

<p>17c. Is a fee submitted with this application?</p> <p><input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).</p> <p><input type="radio"/> Governmental Entity    <input type="radio"/> Noncommercial educational licensee</p> <p><input type="radio"/> Other (please explain):</p>	
<p>17d.</p> <p>Fee Classification    BFY – Space Station Modification (Geostationary)</p>	
<p>18. If this filing is in reference to an existing station, enter:</p> <p>(a) Call sign of station: S2663</p>	<p>19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number:</p> <p>(a) Date pending application was filed:                      (b) File number: SATMOD2006090100093</p>

# TYPE OF SERVICE

<p>20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:</p> <p><input checked="" type="checkbox"/> a. Fixed Satellite</p> <p><input type="checkbox"/> b. Mobile Satellite</p> <p><input type="checkbox"/> c. Radiodetermination Satellite</p> <p><input type="checkbox"/> d. Earth Exploration Satellite</p> <p><input type="checkbox"/> e. Direct to Home Fixed Satellite</p> <p><input type="checkbox"/> f. Digital Audio Radio Service</p> <p><input type="checkbox"/> g. Other (please specify)</p>	
<p>21. STATUS: Choose the button next to the applicable status. Choose only one.</p> <p><input type="radio"/> Common Carrier    <input checked="" type="radio"/> Non-Common Carrier</p>	<p>22. If earth station applicant, check all that apply.</p> <p><input type="checkbox"/> Using U.S. licensed satellites</p> <p><input type="checkbox"/> Using Non-U.S. licensed satellites</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:</p> <p><input type="radio"/> Connected to a Public Switched Network    <input type="radio"/> Not connected to a Public Switched Network    <input checked="" type="radio"/> N/A</p>	
<p>24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).</p> <p><input type="checkbox"/> a. C-Band (4/6 GHz)    <input type="checkbox"/> b. Ku-Band (12/14 GHz)</p> <p><input checked="" type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.)</p> <p>Frequency Lower: 19700      Frequency Upper: 30000      (Please specify additional frequencies in an attachment)</p>	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- ☐ a. Fixed Earth Station
- ☐ b. Temporary–Fixed Earth Station
- ☐ c. 12/14 GHz VSAT Network
- ☐ d. Mobile Earth Station
- ☒ e. Geostationary Space Station
- ☐ f. Non–Geostationary Space Station
- ☐ g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

- ☐ Transmit/Receive   ☐ Transmit–Only   ☐ Receive–Only   ☒ N/A

"For Space Station applications, select N/A."

## PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- ☐ a -- authorization to add new emission designator and related service
- ☐ b -- authorization to change emission designator and related service
- ☐ c -- authorization to increase EIRP and EIRP density
- ☐ d -- authorization to replace antenna
- ☐ e -- authorization to add antenna
- ☐ f -- authorization to relocate fixed station
- ☐ g -- authorization to change frequency(ies)
- ☐ h -- authorization to add frequency
- ☒ i -- authorization to add Points of Communication (satellites & countries)
- ☐ j -- authorization to change Points of Communication (satellites & countries)
- ☐ k -- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- ☐ l -- authorization to change orbit location
- ☐ m -- authorization to perform fleet management
- ☐ n -- authorization to extend milestones
- ☒ o -- Other (Please specify)

## ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

☐ Yes ☒ No

**ALIEN OWNERSHIP** Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30–34.

29. Is the applicant a foreign government or the representative of any foreign government?

☐ Yes ☒ No

30. Is the applicant an alien or the representative of an alien?

☐ Yes ☒ No ☐ N/A

31. Is the applicant a corporation organized under the laws of any foreign government?

☐ Yes ☒ No ☐ N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

☐ Yes ☒ No ☐ N/A



33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

☒ Yes ☐ No ☐ N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote. Question 33

#### BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?  
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

☐ Yes ☒ No

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

☐ Yes ☒ No

<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p><input type="radio"/> Yes    <input checked="" type="radio"/> No</p>
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p>	

<p>41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<p>42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<p>42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?</p>	
<p>43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Application to modify authorization to permit operation of additional beams serving non-U.S. territory that were part of the original satellite technical proposal, as amended, but for which operational authority has not previously been sought.</p> </div>	
<p>Attachment 1</p>	

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

☒ A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

☐ B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

☐ C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- ☐ Individual
- ☐ Unincorporated Association
- ☐ Partnership
- ☒ Corporation
- ☐ Governmental Entity
- ☐ Other (please specify)

45. Name of Person Signing  
Steven Doiron

46. Title of Person Signing  
Senior Director, Regulatory Affairs

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WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT  
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION  
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

**FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

The public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Project (3060-0678), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [jboley@fcc.gov](mailto:jboley@fcc.gov). PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0678.

**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.**

**Narrative Statement**

In this modification of license application ("Modification Application"), Hughes Communications, Inc. ("Hughes") requests that the Commission modify its current authority for the SPACEWAY 3 Ka-band FSS satellite to permit it to operate ten additional downlink beams that were part of its amended application, and which will serve territory beyond the borders of the United States, but for which actual operational authority was not requested at that time. In its March 2006 amendment to the application, Hughes noted that while it did not seek authority then to use these beams, it was requesting "authority to launch the SPACEWAY 3 satellite containing this capacity, at its own risk, and without prejudice to any possible future licensing action." This authority was granted in June 2006, when the International Bureau authorized Hughes to launch and operate the satellite ("June 2006 Grant").

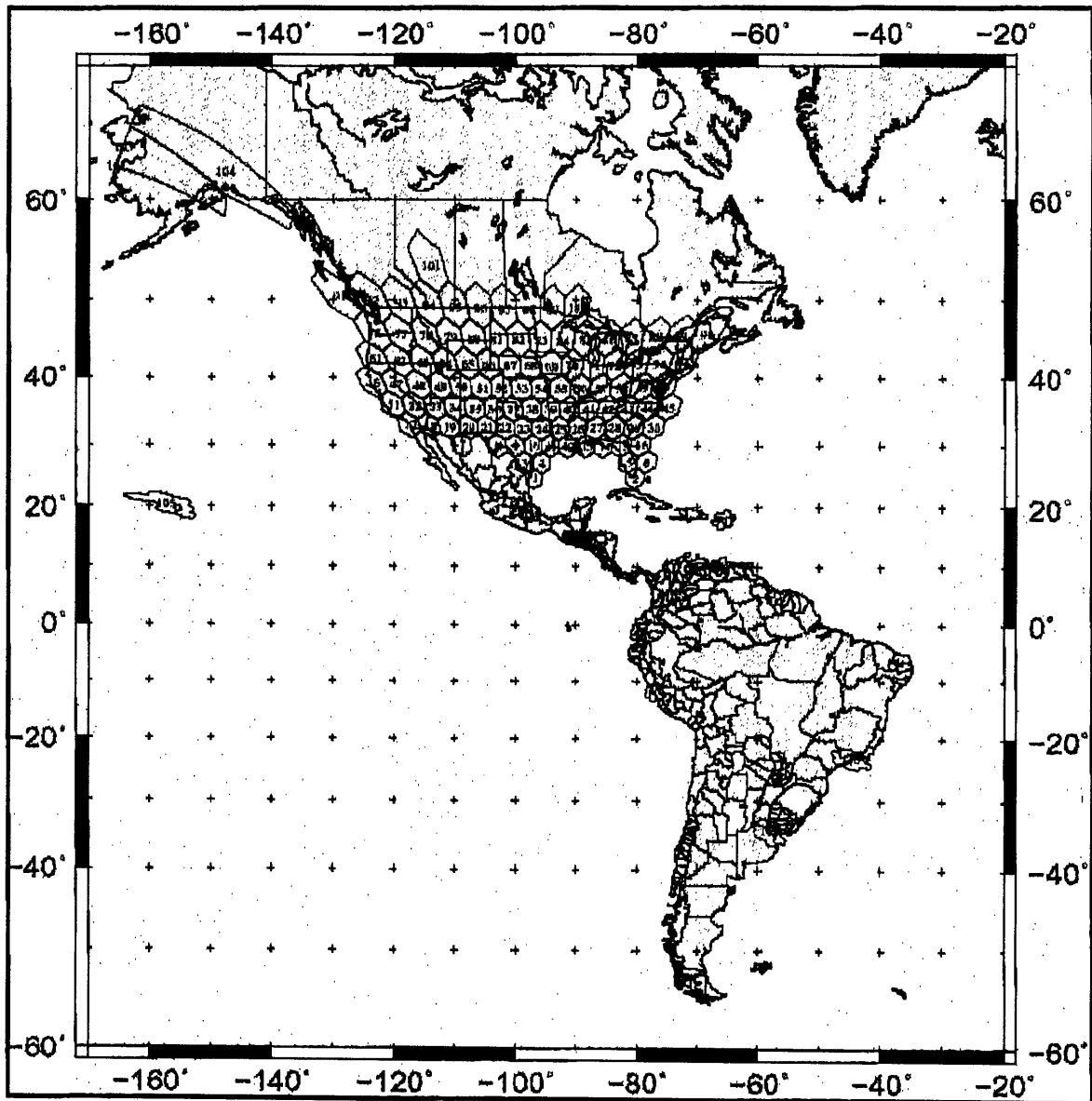
Hughes certifies that this Modification Application proposes no change whatsoever to the technical characteristics of SPACEWAY 3 that it was authorized to establish by the June 2006 Grant. Hughes already has authority to transmit in the downlink frequencies at 19.7-20.2 GHz downlink band and hereby requests authority to expand its service to foreign points as outlined herein. The change requested is simply to permit activation and use of technical capabilities that were part of the satellite design for which the Commission has already been provided complete detail in Schedule S of the application, as amended, and upon which the June 2006 Grant was based. Accordingly, no new Schedule S information is required to be part of this Modification Application. For the same reason, no new waivers of FCC rules are required.

In its March 2006 amendment to its then pending application for authority to launch and operate the SPACEWAY 3 satellite, Hughes noted that the satellite was capable of transmitting toward several points in the Americas that are outside of the United States, but went on to state: "Hughes does not plan at this time to transmit from SPACEWAY 3 toward the cells that are located completely outside the territory of the United States." Hughes Communications, Inc., Minor Amendment To Modification of License Application, File No. SAT-AMD-20060306-00025, Attachment A at 9-10. Figure B-2.2 of Appendix B to the same attachment is reproduced on the following page, showing four beams over Canada (identified by the beam numbers 87, 88, 89 and 101); and single beams over Mexico City (beam 106), Caracas, Venezuela (108); Bogota, Colombia (109); Rio De Janeiro, Brazil(110); Lima, Peru (111); and Buenos Aires, Argentina/Montevideo, Uruguay (112).

Hughes submits in support of this Modification Application that extension of its authority to transmit over the additional North and South American beams that are already part of the SPACEWAY 3 architecture will promote the public interest by maximizing the services that can be offered and the areas that can be served at Ka-band from the 94.95° W.L. orbital location. The availability of expanded coverage will benefit existing and potential system users both within and outside the United States. Because the Commission no longer recognizes any distinction between provision of domestic and international satellite service on U.S.-licensed satellites, there is no impediment or other need for delay in granting this modification, subject only to international coordination requirements and appropriate licensing of ground segment in the countries to be served. *See, e.g., GE American Communications, Inc.*, 15 FCC Rcd 3385, 3389 (¶ 9) (1999). In view of the benefits outlined above and the absence of a



need for detailed technical review, the Commission should grant the requested authority expeditiously.



**Appendix B, Figure B-2.2 from March 2006 Amendment -- Example Implementation of Beam Use at 94.95° W.L.; Spot Beam Beams are for Both Uplink and Downlink (Complete Satellite Field of View)**