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**BY HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**Re: HNS License Sub, LLC Application for Earth  
Station License, Fillmore, California;  
Call Sign E060383, File No. SES-LIC-20061017-01869**

Dear Ms. Dortch:

HNS License Sub, LLC (“Hughes”), by its attorneys, submits this letter with respect to its application for a new Earth station at Fillmore, CA. *See* Call Sign E060383, File No. SES-LIC-20061017-01869, as amended. In its initial application, Hughes requested a waiver of the requirement in Section 25.115(e) of the Commission’s Rules, 47 C.F.R. § 25.115(e), to provide measured data regarding off-axis EIRP spectral density for its proposed new Ka-band antenna. Hughes noted that the type of antenna it proposed to use was a new model that had not yet been field tested to allow for submission of actual measurement data. It thus sought a limited and partial waiver of Section 25.115(e) in order to provide actual measurement data on the proposed antenna with its post-grant certification under Section 25.133(b) of the Commission’s Rules of operation in accordance with the license. Hughes Application, File No. SES-LIC-20061017-01869, at Exhibit C.

At this time, and following consultation with the Commission’s staff, Hughes withdraws its request for a waiver of Section 25.115(e). Instead, it will rely on the data and analysis it has submitted in its application, and will accept a grant that specifies a lower EIRP than the 68.5 dBW level that was requested. Specifically, Hughes has shown in its application, as amended, that its nominal power at the flange will be -21.7 dBW/40kHz. Based on the off-axis performance limits in Section 25.138 of the Commission’s Rules, 47 C.F.R. § 25.138, an earth station with an antenna that just met the off-axis gain mask in 47 C.F.R. § 25.209 could have a flange power that is no more than -10.63 dBW/40kHz. The carrier transmitted by Hughes will be slightly more than 11 dB below this highest power at the flange that will meet the off-axis performance limits. Under these circumstances, and in order to secure a timely grant of its application, Hughes urges that the Commission authorize it now to operate with an EIRP of 56.3 dBW (11 dB above Hughes’ nominal EIRP of 45.3 dBW).



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To the extent that actual measurements from the antenna once operational should confirm that operating with an additional 12 dB of EIRP would still be compliant with the off-axis EIRP density limits in Section 25.138, Hughes reserves the right to return and seek a license modification based on such data at the appropriate point in the future. For now, however, it is content to rely on the analysis it has provided to date.

Please do not hesitate to contact the undersigned should you have any questions.

Respectfully submitted,

Stephen D. Baruch

*Attorney for HNS License Sub, LLC*

cc: Scott Kotler  
Trang Nguyen  
Steven Doiron, Hughes