

March 31, 2005

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Federal Communications Commission
Office of Secretary

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

Re: Pending Request for Special Temporary Authority
FCC File No. SES-STA-20050224-00224, Call Sign E940460

Dear Ms. Dortch:

Hughes Network Systems, Inc. ("HNS") hereby submits this supplemental information in support of its pending request for special temporary authority ("STA") (SES-STA-20050224-00224) to add a new point of communication, AMC-9, to its North Las Vegas hub earth station authorization during the pendency of a request for modification of that license (SES-MFS-20050222-00214, Call Sign E940460).

Originally, HNS had planned to continue expansion of its DirecWay satellite broadband services¹ on the Intelsat Americas-8 ("IA-8") satellite commencing in the first quarter of 2005. As a result, in September 2005, HNS submitted a timely application for authority to access IA-8 for DirecWay services from our hub site in North Las Vegas.²

Launch of the new IA-8 spacecraft was scheduled for December 2004. However, in December 2004, Intelsat formally notified HNS that it had to delay the launch of IA-8³ until the results of the investigation of the Intelsat Americas-7 ("IA-7") satellite failure which had occurred in late November 2004⁴ were known. At that time in December, Intelsat informed HNS that, notwithstanding the ongoing investigation, there was still a significant and reasonable possibility that a January 2005 launch of IA-8 could occur. By late January however, Intelsat determined that the investigation of the IA-7 failure would not be complete in time for a first quarter 2005 launch of IA-8.

Thus, in late January, HNS was compelled to seek alternate satellite capacity. After reviewing all the available satellite options and engaging in discussions with several operators, HNS determined that SES Americom's AMC-9 satellite in its new orbital position at 83° West Longitude⁵ would be the best alternative solution.

¹ DirecWay provides high speed Internet access to more than 220,000 residential and small business subscribers in rural, suburban and other areas of the United States, and is adding about 10,000 new such subscribers each month.

² The underlying license modification application for HNS to access IA-8 was filed on September 30, 2004, placed on public notice on October 13, 2004, and granted on February 7, 2005. See SES-MOD-20040930-01476. No comments were submitted on this request.

³ Intelsat Press Release, "Intelsat AmericasTM-7 Investigation Underway; IA-8 Launch Temporarily On Hold," December 10, 2004

⁴ Intelsat Press Release, "Intelsat Reports Loss of Intelsat AmericasTM-7", November 28, 2004.

⁵ On February 7, 2005, AMC-9 began an authorized drift from 85° to 83° West Longitude.
On February 14, 2005, AMC-9 became commercially available at 83° West Longitude.

After securing the necessary coordination agreements for this new space segment, on February 22, 2005, HNS immediately submitted an application to modify our North Las Vegas hub license for authority to operate 74 cm equivalent and 98 cm antennas with AMC-9. In parallel with the permanent modification application to this hub license, HNS also submitted the STA application STA for authority to operate these sub-meter antennas on AMC-9 in advance of the permanent grant. These applications were submitted even in advance of the actual execution of the contract with SES Americom (which was signed on March 15, 2005).

As described above, HNS's request for STA in this case is based on circumstances well beyond its control, and the specific conditions described herein merit the grant of the requested STA. HNS timely filed its request for authority to utilize IA-8, and was granted such authority by the Commission. Through no fault of its own, HNS had to look for replacement satellite capacity as a result of technical problems, which delayed the launch of IA-8. HNS sought on an expedited basis an alternative solution using AMC-9, but even that solution could not be implemented until SES Americom had relocated AMC-9 to its designated new orbital slot at 83° West Longitude. HNS has made timely submission of its license applications for AMC-9. HNS has undertaken proactive measures to obtain additional satellite capacity to satisfy the substantial and growing demand for its DirecWay service to residential and enterprise customers. The public interest will not be served if authority for HNS to utilize the AMC-9 replacement satellite capacity for sub-meter antennas is delayed until the full underlying application comes off public notice.⁶

Given the foregoing, HNS respectfully requests that the International Bureau grant its request for STA (File No. SES-STA-20050224-00224 (Call Sign E940460)) on an expedited basis with sufficient time to allow HNS operations with AMC-9 until the public notice period for, and Commission consideration of, the underlying modification application is completed.⁷

If you should have any questions regarding this submission, please contact the undersigned.

Respectfully submitted,



Joslyn Bead
Assistant Vice President, Regulatory

cc: Fern Jarmulnek, International Bureau, Front Office
Scott Kotler, International Bureau, Systems Analysis Branch
Jeannette Spriggs, International Bureau, Systems Analysis Branch
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⁶ FCC Public Notice. March 23, 2005. Report No. SES-00697. SATELLITE RADIO APPLICATIONS ACCEPTED FOR FILING SATELLITE COMMUNICATIONS SERVICES. SES-STA-20050224-00224 comes off public notice on April 20, 2005.

⁷ The STA application requested a grant date no later than March 15, 2005.