

REQUEST FOR SPECIAL TEMPORARY AUTHORITY
Call Sign: E110149

HNS License Sub, LLC (“Hughes”) hereby requests Special Temporary Authority (“STA”) beginning on July 21, 2012, and continuing for 60 days thereafter (to September 19, 2012), to utilize one of the 8.1 meter earth station antennas authorized under Call Sign E110149, and proposed in pending modification application File No. SES-MFS-20120426-00395, to operate with the U.S.-licensed EchoStar XVII satellite at the 107.1° W.L. orbital location for in-orbit testing (“IOT”) purposes. All operations under the requested STA will be conducted from a single site in North Platte, Nebraska,¹ and will be within the technical parameters specified for the blanket-licensed 8.1 meter antennas on Hughes’s license under Call Sign E110149.

Hughes has on file with the FCC a pending application for permanent authority to utilize the antennas under Call Sign E110149 to communicate with EchoStar XVII (as licensed by the Commission on June 12, 2012 in File No. SAT-LOA-20120422-00075). There are unresolved interference issues with respect only to the 29.25-29.3 GHz frequency segment to be used at various continental U.S. (“CONUS”) locations, as the frequency segment overlaps with spectrum utilized by the Iridium mobile-satellite service system from a Tempe, Arizona earth station. However, as the North Platte, Nebraska site for the earth station providing gateway service for EchoStar XVII IOT is located 1309 kilometers away from the Tempe site, interference to Iridium

¹ In the event of a catastrophic failure at the North Platte earth station, Hughes would re-locate test equipment and staff so as to conduct the IOT instead from the Amarillo, Texas (35° 12’ 18” North latitude, 101° 49’ 56” West longitude) station, which is 950 km from the Iridium hub in Tempe, Arizona. If such were to occur, transmission would be discontinued entirely at the North Platte station. All technical parameters for the IOT would remain the same, other than the change in testing location. Authority is also sought for use of the Amarillo, Texas station in the event of such a catastrophic failure.

is expected to be minimal.² In any event, Hughes recognizes that its proposed operation under this STA request is on a non-interfering basis. In the unlikely event that interference issues are raised during IOT operations, Hughes is designating as a contact point Bill McHargue at its Network Management Center in Germantown (Telephone: 301-428-7205). Mr. McHargue will be available on a 24/7 basis to field any interference complaints and address any other technical issues that may arise with the IOT operation.

The underlying issue raised by Iridium will need to be addressed in one way or another before Hughes can begin permanent use of the 29.25-29.3 GHz segment for its gateway operations, but not for the limited operation from the single earth station that is requested here. The Commission has determined that in-orbit testing of a newly-launched satellite constitutes extraordinary circumstances that require temporary operations in the public interest. *See DirecTV Enterprises, LLC*, DA 10-113, slip op. at 4 (Sat. Div., released January 21, 2010). IOT authority is all that Hughes requests for the North Platte gateway earth station, and denying such authority because of a pending objection that is inapposite to the proposed use would clearly be contrary to the public interest. Moreover, the requested STA will serve the public interest by ensuring that Hughes' EchoStar XVII satellite, as launched, is tested to ensure that it fully complies with the Commission grant and can begin to make productive use of the valuable spectrum and orbital resources as soon as possible. Adding new Ka-band fixed-satellite service capacity for the provision of commercial services to customers in the United States is very much in the public interest.

² See ITU-R Recommendation S.1419, "Interference Mitigation Techniques to Facilitate Coordination Between Non-GSO MSS Feeder Links and GSO FSS Networks in the bands 19.3-19.7 GHz and 29.1-29.5 GHz" (recommending a separation distance of 225 km between typical transmitting earth stations associated with the two services in order to avoid harmful interference).

Given the sensitivity of this proposed use of 29.25-29.3 GHz by one of the earth stations authorized under Call Sign E110149, Hughes is submitting this STA request more than three business days in advance of the date of requested first use. Because Hughes has not only a pending application to access EchoStar XVII from the same antenna as a U.S.-licensed satellite, but a license to use the very same type of earth station antenna to communicate with the exact same satellite under a different flag for service to the United States, a 60-day term is appropriate. *See* 47 C.F.R. § 25.120(b)(3).

To avoid *ex parte* issues that result from the reference to the Iridium issues in File No. SES-MFS-20120426-00395, Hughes will provide an electronic copy of the instant STA request to Iridium.

In sum, and in the event that the Commission has not resolved the pending issue of potential interference to Iridium from the use of Hughes's licensed gateway earth stations to communicate with EchoStar XVII as a U.S.-licensed satellite prior to July 21, 2012, Hughes respectfully requests authority to operate an 8.1 meter gateway antenna from North Platte, Nebraska using all proposed frequencies on the licensed station – including the 29.25-29.3 GHz band segment – for 60 days starting July 21, 2012 and ending on September 19, 2012.