

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**

**Call Sign: E110149**

HNS License Sub, LLC (“Hughes”) hereby requests Special Temporary Authority (“STA”) beginning on August 5, 2012, and continuing for 60 days thereafter (to October 4, 2012) to utilize all of the blanket-licensed 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 on a pre-grant basis, including for in-orbit testing purposes. While all of the earth stations would be established and utilized, and will be within the technical parameters specified for the blanket-licensed antennas on Hughes’s license under Call Sign E110149, Hughes will limit its use under this STA request to all authorized bands other than the 29.25-29.3 GHz band. In this respect, Hughes’s proposed STA is consistent in full with its June 22, 2012 letter requesting a grant in part and deferral in part of the modification application. *See* Letter dated June 22, 2012, from Stephen D. Baruch to Secretary, FCC in File No. SES-MFS-20120426-00395 (“Partial Grant Letter”).<sup>1</sup>

Hughes’s application for permanent authority to utilize the antennas under Call Sign E110149 to communicate with EchoStar XVII, as supplemented by the Partial Grant Letter, is pending. 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

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<sup>1</sup> This STA request does not replace the STA request in File No. SES-STA-20120626-00616, where the Commission authorized Hughes to operate its North Platte, NE gateway earth station under Call Sign E110149 on all frequencies in the current license to facilitate in-orbit testing of the EchoStar XVII satellite that was recently launched by Hughes’s parent company. That STA would run its course – which expires on September 19, 2012 (unless otherwise extended).

segment overlaps with spectrum ostensibly utilized by the Iridium mobile-satellite service system from a Tempe, AZ earth station.

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. Resolution of the Iridium issue is not required, however, for operation of the gateway earth stations under Call Sign E110149 on all frequency segments *other than* the 29.25-29.3 GHz, as requested here and in the Partial Grant Letter.

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 testing using all of the gateway stations will commence on August 5, 2012, and denying such authority because of a pending objection that is inapposite to the proposed use would clearly be contrary to the public interest. The requested STA will also serve the public interest by ensuring that Hughes' EchoStar XVII satellite 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.

Because Hughes has not only a pending application to access EchoStar XVII from the same antennas as a U.S.-licensed satellite, but a license to use the same earth station antennas 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 granted the modification application as supplemented by the Partial Grant Letter prior to August 5, 2012, Hughes respectfully requests authority to operate the antennas authorized under Call Sign E110149 on all proposed frequencies other than the 29.25-29.3 GHz band segment for 60 days starting August 5, 2012 and ending on October 4, 2012.