

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Application by)	
)	
Hughes Communications Galaxy, Inc.)	File Nos. 3/4-DSS-P/LA-94
)	CSS-94-021 through CSS-94-025
For authority to construct, launch, and)	174 through 181-SAT-P/LA-95
operate a Ka-Band satellite system in the)	
Fixed-Satellite Service)	
)	
)	

ORDER AND AUTHORIZATION

Adopted: June 18, 2001

Released: June 19, 2001

By the Chief, Satellite and Radiocommunication Division

1. By this order, we modify Hughes Communications Galaxy, Inc.'s license for launch and operation of a global geostationary-satellite-orbit ("GSO") system providing Fixed-Satellite Service ("FSS") to include conditional authority for transmission between the satellites and earth stations in foreign countries.

2. The International Bureau has assigned Hughes 1000 MHz of uplink spectrum at 28.35-28.6 GHz and 29.25-30.0 GHz and 1000 MHz of downlink spectrum at 18.3-18.8 GHz and 19.7-20.2 GHz "to provide [FSS] services to, from, or within the United States."¹ In addition to requesting authority for satellite links with earth stations within the United States, however, Hughes requested authority to operate in wider frequency bands to link with earth stations in foreign countries. The Bureau did not grant the latter request in the initial license order but noted that the Commission intended to address issues concerning international coordination of Ka-Band FSS systems in a future rulemaking order.² The Commission subsequently adopted policies for such coordination in the *Third Report and Order* in CC Docket No. 92-297.³ In a petition for reconsideration of the *Third Report and Order*, Hughes asked for issuance of a clarifying statement that it could use the frequency bands 17.7-18.8 GHz, 19.7-20.2 GHz, 27.5-28.6 GHz, and 29.25-30.0 GHz for links with earth stations in foreign countries, as previously requested. In response to that request the Commission has instructed the International Bureau to modify Hughes' license to include such additional authority, subject to appropriate conditions.⁴

¹ *Hughes Communications Galaxy, Inc.*, 13 FCC Rcd 1351 (Int'l Bur.), at n.14; *Hughes Communications Galaxy, Inc.*, 2001 W.L. 79,380 (Int'l Bur., rel. Jan. 31, 2001).

² *Id.* at n.14.

³ *Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services*, 12 FCC Rcd 22310 (1997) at ¶¶ 63-72.

⁴ FCC 01-172 (rel. May 24, 2001) at ¶14.

3. Accordingly, IT IS ORDERED that Application Nos. 3/4-DSS-P/LA-94, CSS-94-021 through CSS-94-025, and 174 through 181-SAT-P/LA-95 ARE GRANTED to the extent indicated herein and that the license of Hughes Communications Galaxy, Inc. for a geostationary-satellite-orbit Fixed-Satellite Service system IS MODIFIED to include authority for transmission in the frequency bands 17.7-18.8 GHz and 19.7-20.2 GHz to earth stations in foreign countries and reception of transmissions from such earth stations in the 27.5-28.6 GHz and 29.25-30.0 GHz bands, in accordance with the technical specifications set forth in its application and the pertinent provisions of Part 25 of the Commission's rules and subject to the following further conditions:

- Hughes shall not operate earth stations in foreign countries except in compliance with the laws of the governing administrations in those countries.
- Hughes shall prepare the information necessary for initiation and completion of advance publication, coordination, and notification for such operation pursuant to the International Telecommunication Union's Radio Regulations. No protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination procedures are timely completed or, with respect to individual administrations, coordination agreements are negotiated. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments with other administrations. *See* 47 C.F.R. §25.111(b).
- When requesting international coordination of proposed use of frequencies in the 17.7-18.3 GHz band or the 27.5-28.35 GHz band for links with earth stations in foreign countries, Hughes shall certify, in an affidavit filed with the Satellite and Radiocommunication Division of the Commission's International Bureau, that it has coordinated the proposed operation with the operators of other geostationary or non-geostationary satellite systems operating globally in that band pursuant to license authority granted by this Commission and has provided copies of the certification to those operators.⁵
- Hughes shall coordinate all downlink operations authorized herein with the operations of U.S. government systems, including transmission to earth stations in foreign countries, in accordance with footnote US 334 to the Table of Frequency Allocations.⁶

⁵ *See id.* ¶15.

⁶ 47 C.F.R. § 2.106 US 334 (as revised in the *18 GHz Report and Order*, 15 FCC Rcd at 13489). This footnote requires coordination of non-government systems with U.S. Government GSO and NGSO FSS systems in the 17.8-20.2 GHz band.

4. This order is issued pursuant to 47 C.F.R. §0.261 and is effective upon adoption. Petitions for reconsideration under 47 C.F.R. § 1.106 or applications for review under 47 C.F.R. § 1.115 may be filed within 30 days of the date of the release of this order. (See 47 C.F.R. §1.4(b)(2).)

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz,
Chief, Satellite and Radiocommunication Division