

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )

Routine Licensing of Large )  
Numbers of Small Antennas )  
Operating in the Ka-Band )

RM No. 9005

Supplemental Comments

Hughes Communications, Inc. and Hughes Communications Galaxy, Inc.

(collectively, "Hughes") submit these supplemental comments in response to the Commission's Public Notice of September 5, 1997 with respect to the pending petition that the Commission develop blanket licensing procedures for earth stations in part of the Ka band.

Hughes has a substantial interest in this proceeding as the licensee of the Spaceway satellite system. As the Commission is well aware, the development of a band plan that facilitated the recent grant of licenses for fourteen Ka band satellite systems was a long, involved process that required significant compromises by all affected parties. Now that those Ka band systems are poised for deployment, it is critical that the Commission continue its support for industry solutions that will speed the resolution of any remaining regulatory issues. At the same time, it is important that the Commission not upset the carefully crafted band plan compromise reflected in the First Report and Order in the 28 GHz proceeding.<sup>1</sup>

<sup>1</sup> See *First Report and Order*, CC Docket No. 92-297 (released July 22, 1996) (*28 GHz First Report and Order*)

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Hughes reiterates its views, expressed as a joint petitioner in this proceeding, that the development of blanket licensing procedures for Ka band earth stations is critical to ensure the successful and timely deployment of the tens of millions of small customer terminals that are expected to be used for the provision of satellite services in this band. As the Commission has done at both C and Ku band, it is imperative that procedures be developed to permit blanket licensing in a manner that (i) does not impede the rollout of a mass-market satellite service at Ka band, (ii) provides adequate interference protection to all affected parties, and (iii) avoids unnecessary delay in the administrative approval process. To this end, Hughes has advocated the use of, and has participated in, industry groups that currently are working on proposals to address these issues, with a goal of presenting a consensus solution to the Commission in the near term. Hughes strongly endorses the Commission's willingness to support the development of consensus solutions in these types of industry groups.

At the same time, Hughes urges the Commission not to alter the careful balance that is reflected in the *28 GHz First Report and Order*. While a driving factor in that decision was the designation of 1000 MHz of spectrum to support GSO FSS satellite systems, such as Spaceway, the Commission also wisely provided for the possibility of FSS systems sharing, on a secondary basis, up to 850 MHz of spectrum in the LMDS primary band at 27.5-28.35 GHz. Although there are different considerations involved in licensing earth stations in that part of the band (where they are secondary to LMDS operations),<sup>2</sup> a suitable amount of downlink spectrum

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<sup>2</sup> Strict non-interference operations with the LMDS service will need to be ensured in this band; thus, the types of blanket licensing procedures that are appropriate for the 28.35-30.0 GHz band will not likely be appropriate at 27.7-28.35 GHz for the foreseeable future. *See, e.g., 28 GHz First Report and Order* at para 27 ("co- frequency sharing between either GSO/FSS or

must remain available in the 17.7-18.8 GHz range to support the downlinks that would be associated with those secondary uplinks at 27.5-28.35 GHz.<sup>3</sup> As the Commission is aware, the 17.7-18.8 GHz downlink band already contains some flexibility to accommodate these FSS uplinks in the LMDS band, as only 500 MHz of the 17.7-18.8 GHz band is needed by the 1000 MHz GSO FSS systems that already have been licensed to uplink at 28.35-28.6 and 29.25-30.0 GHz.<sup>4</sup>

In conclusion, the petition for rulemaking in this proceeding has been pending for over nine months, and remains unopposed. Hughes therefore urges the Commission to move forward quickly on an NPRM in this matter to continue to facilitate the deployment of Ka band satellite services in the United States.

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NGSO/FSS ubiquitously deployed terminals and LMDS with its ubiquitously deployed subscriber terminals, is not feasible at this time”).

<sup>3</sup> Of course, the compromises in the *28 GHz First Report and Order* with respect to the 17.7-18.8 GHz downlink band were based on the information that was then available about existing terrestrial uses of that band. Any changes in terrestrial uses of that band might warrant a revisitation of the issues surrounding shared terrestrial and satellite use of that band.

<sup>4</sup> Those systems have already been licensed to use the 19.7-20.2 GHz band as their first 500 MHz.

Respectfully submitted,

HUGHES COMMUNICATIONS, INC.  
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September 24, 1997

## Certificate of Service

I, Susan Guzo, hereby certify that on this 24th day of September, 1997, a copy of the foregoing Supplemental Comments of Hughes Communications, Inc. and Hughes Communications Galaxy, Inc. was delivered by U.S. first-class mail, postage prepaid, to the following:

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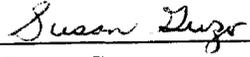
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