

transmitters to StarLynx™ user terminal receivers. HCI will work with operators in this service on a case-by-case basis to resolve any coordination issues that may arise.

5.2.2.3. Radionavigation and Radionavigation-Satellite Services

These services have co-primary international allocations with MSS at 45.5-46.7 GHz. In addition, the Radionavigation-Satellite Service has a co-primary U.S. allocation with MSS at 45.5-46.7 GHz. Unlike the terrestrial services discussed above, operations in the Radionavigation or Radionavigation-Satellite Services may occur at any elevation angle due to radar and direction-finding transmissions from or to aircraft and spacecraft. HCI will work with operators of these services to resolve any coordination issues concerning emissions in these bands, as necessary and applicable, where both MSS and either the Radionavigation or the Radionavigation-Satellite service have co-primary frequency allocations.

5.2.3. Government Use

The U.S. Government has expressed an interest in using the 37.5-38.0 GHz and 45.5-46.7 GHz bands for certain government systems.⁴ However, as HCI noted in its comments in the proceeding in IB Docket 97-95, there is insufficient information currently available about those proposed uses to analyze their potential impact on commercial satellite systems such as StarLynx™. HCI believes that spectrum sharing in these bands between non-government and government systems should be based on the balanced needs of both types of users.

⁴ See Notice of Proposed Rulemaking, IB Docket 97-95 (released March 24, 1997), ¶¶ 18-20 & 30.

5.3 SPURIOUS AND OUT-OF-BAND EMISSIONS

StarLynx™ will comply with the emission limitations specified in Section 25.202(f) of the Commission's rules.

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Regulatory Qualifications

6. REGULATORY QUALIFICATIONS

6.1 LEGAL QUALIFICATIONS

HCI's legal qualifications are a matter of record before the Commission, and HCI will provide any additional information regarding its legal qualifications that the Commission may require.

6.2 COMPLIANCE WITH INTELSAT ARTICLE XIV

HCI recognizes that the StarLynx™ system may be subject to consultation requirements under Article XIV of the INTELSAT Agreement and will provide appropriate information to facilitate any such consultations.

6.3 TYPE OF OPERATIONS

HCI proposes to sell or lease StarLynx™ capacity to its customers on an individualized basis and will not hold itself out to serve the public indiscriminately. In accordance with the Commission's DISCO I Report and Order, 11 FCC Rcd. 2429, 2436 (1996), and Section 25.114(c)(14), HCI elects to offer capacity on the StarLynx™ system on a non-common carrier basis.

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Milestone Schedule

7. MILESTONE SCHEDULE

HCI proposes to implement the global StarLynx™ system according to the following plan. The dates by which the following goals are scheduled to be achieved are as follows:

Table 7-1. StarLynx™ Major Milestones

Milestone	Milestone Completion (Months After Authority to Proceed)
Commence Construction of First Satellite	ATP + 12
Construction of First Satellite Complete	ATP + 50
First Satellite Launch	ATP + 51
Initiation of Services	ATP + 53
Last Satellite Constructed	ATP + 63
Last Satellite in Service	ATP + 65

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System Cost

8. PROJECTED SYSTEM COST

Satellites within the StarLynx™ constellation will have a useful life of up to fifteen (15) years. The cost of developing, launching, and operating the StarLynx™ constellation for one year is estimated to be \$2.871 billion. This investment covers the development and design cost for the satellite, ground infrastructure, and user antennas. It also covers the cost of building, launching, and insuring the satellites, and the associated ground infrastructure to manage, communicate, and operate the system for one year. Cost estimates for the StarLynx™ system are based on industry experience and projections. Customer equipment costs are not included. Table 8-1 provides detailed information on projected capital investment.

Table 8-1. StarLynx™ Investment

Capital Expenditures	\$M
• Research and Development	535
• Satellite Construction, Launch & Insurance	2222
• Ground Segment Construction	104
First Year Operating Costs	<u>10</u>
Total	\$2,871

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9. FINANCIAL QUALIFICATIONS

Hughes Communications Inc. is an indirect wholly-owned subsidiary of Hughes Electronics Corporation (HE), a large aerospace, electronics manufacturing, and satellite communications company. HE, in turn, is an affiliate of General Motors Corporation (GM). Although the Commission has not yet established financial qualification requirements for MSS systems at V-band, as demonstrated in Appendix D, which shows the consolidated financial statements of HE, HE has sufficient current assets to fund the construction, launch, and first-year operating costs of the StarLynx™ satellite system.

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10. REQUEST FOR WAIVER OF THE COMMISSION'S RULES

HCI hereby requests a waiver of the Table of Frequency Allocations, 47 C.F.R. § 2.106, with respect to this application to allow StarLynx™ to provide Mobile-Satellite Service downlinks in the 37.5-38.6 GHz band (which, for satellite use, currently is allocated internationally only to the Fixed-Satellite Service⁵) and to provide Fixed-Satellite Service uplinks in a contiguous 1.1 GHz of spectrum in the 45.5-46.7 GHz band (which, for satellite use, currently is allocated only to the MSS and the Radionavigation-Satellite Service). As discussed above, HCI proposes to provide service to both mobile and portable customer terminals as part of the StarLynx™ satellite system. Service to and from the mobile terminals (which are capable of communicating while they are moving) falls within the definition of MSS.⁶ Service to and from the portable terminals (which are not capable of

⁵ The 37.5-40.5 GHz band has an international primary FSS allocation. While currently only the 38.6-40.0 GHz band has a domestic primary FSS allocation, in RM-8811 and IB Docket 97-95, the Commission is considering conforming the domestic allocation at 37.5-38.6 GHz with the international allocation for that band. HCI respectfully reserves the right to conform this application to reflect the outcome of those proceedings and/or any changes in the international Radio Regulations.

⁶ See 47 C.F.R. § 2.1(c) ("Mobile-Satellite Service" and "Mobile Earth Station"); *Qualcomm, Inc.*, 4 FCC Rcd. 1543, ¶ 4 n. 7 (1989) ("mobile stations operate while moving"); cf. 47 C.F.R. § 20.7 (mobile satellite services include those provided over "terminals capable of transmitting while a platform is moving, but excluding satellite facilities provided through a transportable platform that cannot move when the communications service is offered").

communicating while they are moving) falls within the definition of FSS.⁷ In addition to the communication links between the StarLynx™ constellation and these mobile and portable user terminals, HCI contemplates communication links between the StarLynx™ constellation and a limited number of 60 x 60 cm or larger antennas at fixed locations, which will serve as System Access Node terminals.⁸

HCI proposes to use the entire 37.5-38.6 GHz band for downlinks to any and all of the types of StarLynx™ Earth stations and to use a contiguous 1.1 GHz spectrum in the 45.5-46.7 GHz band for uplinks from any and all of the types of StarLynx™ user terminals. Due to the technological convergence of StarLynx™ FSS and MSS services, service to mobile and portable terminals in the same frequency bands can be provided without creating either unacceptable intra-StarLynx™ system interference or unacceptable interference to other satellite systems operating under the likely parameters of the FSS and the MSS at V-band.

As demonstrated in Appendix A, StarLynx™ downlink transmissions in the 37.5-38.6 GHz band, whether transmitted by the GSO or NGSO portions of the system, do not vary according to the type of terminal -- mobile, portable, or SAN -- that is the target of the transmission. Thus, downlink transmissions from any

⁷ See 47 C.F.R. § 2.1(c) ("Fixed-Satellite Service"); *Qualcomm, Inc.*, 4 FCC Rcd. 1543, ¶¶ 4 n. 7, 8 n. 14 (1989) (transportable Earth stations operate from fixed locations although the sites from which they operate will vary as the stations are moved from location to location).

⁸ While the transmissions to these System Access Node terminals fall within the definition of FSS (and therefore are consistent with the international allocation for the 37.5-38.6 GHz band), transmissions from these terminals are also permitted in the 45.5-46.7 MSS band as these terminals serve as feeder links for an MSS system. See 47 C.F.R. § 2.106 at 45.5-47.0 GHz, n. 903; 47 C.F.R. 2.1(c)

StarLynx™ satellite appear the same, and have the same interference potential, regardless of whether the StarLynx™ station that is receiving that downlink transmission is a portable (i.e. fixed) or mobile.⁹ As demonstrated in Appendix B, downlink transmissions from the StarLynx™ system will be compatible with GSO systems spaced 2° away and with NGSO systems that are designed to employ spectrum sharing techniques. Therefore, the inclusion of the MSS capability to StarLynx™ in the downlink band via the mobile terminal does not create any additional interference potential from the StarLynx™ system downlinks that does not already exist by virtue of the FSS service capability.¹⁰

The same is true with respect to the inclusion of an FSS capability in the StarLynx™ 45.5-46.7 GHz uplink band. In fact, the uplink transmissions from the StarLynx™ portable terminal -- the terminal that presents the non-conforming, FSS use at 45.5-47.6 GHz -- yield a lesser potential for interference into a hypothetical, neighboring GSO MSS satellite than the MSS uplink transmissions which represent a conforming use of the band.¹¹ Uplink transmissions from the StarLynx™ mobile terminal will be compatible with a GSO MSS system that is spaced 2° away along the geostationary arc and that uses spectrally efficient uplink transmission technology similar to that used in StarLynx™, instead of the omnidirectional uplink

("Mobile-Satellite Service") ("This service may also include feeder links necessary for its operation.")

⁹ See Appendix B.

¹⁰ See *Geostar Positioning Corporation*, 4 FCC Rcd. 1543, 1544 (1989) (no reason to preclude MSS in FSS band when the downlink appears identical regardless of whether it is being received by fixed or mobile terminals).

¹¹ See Appendix B.

transmissions characterized by existing GSO MSS systems in other frequency bands. Therefore, the addition of FSS capability via the portable terminal does not create any interference potential beyond that which already exists by virtue of the StarLynx™ mobile terminal uplinks.¹²

Thus, HCI seeks a waiver of the Table of Allocations to transmit downlink signals to the StarLynx™ mobile terminals in the entire 37.5-38.6 GHz band and to transmit uplink signals from the StarLynx™ portable terminals in a contiguous 1.1 GHz in the 45.5-46.7 GHz band. In each case, HCI will operate the non-conforming transmissions on a no-harmful-interference basis in conformance with existing Commission policy and precedent.

The Commission's precedent clearly supports the grant of HCI's waiver. The Commission has in a number of instances, consistent with its general policy of flexibility in implementing its allocation table, permitted a non-conforming use of a frequency band where that use would not cause unacceptable interference to permitted users of that band.¹³ For example, HCI's proposal to provide MSS in an

¹² Thus, this situation presents a much simpler technical case than the recent case where the Commission allowed MSS uplinks in an FSS band on a non-interference basis in analogous circumstances. See *Mobile Satellite-Based Communications by Crescomm Transmission Services, Inc. and Qualcomm, Inc.*, 11 FCC Rcd. 10944 (1996) (authorizing provision of maritime MSS in FSS bands on a secondary basis).

¹³ See *id.*; *Motorola Satellite Communications, Inc.*, 11 FCC Rcd. 13952, ¶¶ 10-11 (1996) (provision of FSS in MSS bands on a no-harmful-interference basis); *USA Today Sky Radio*, 7 FCC Rcd. 7943, ¶ 6 (1992) (provision of AMSS in FSS bands on a no-harmful-interference basis); *COMSAT and AMSC*, 5 FCC Rcd. 4117, 4118, ¶ 8 (1990) (provision of LMSS and AMSS in MMSS bands on a no-harmful-interference basis); *AMSC Authorization Order*, 4 FCC Rcd. 6041, 6048, ¶ 51 (1989) (provision of FSS in MSS bands on a non-interference basis); *Geostar Positioning*

FSS band is supported by the *Qualcomm* line of cases, where the Commission granted a waiver of the Table of Allocations to allow Qualcomm to transmit downlink signals to mobile user terminals in a frequency band allocated to the FSS.¹⁴ In permitting Qualcomm's use of this FSS band on a non-interference basis for its OmniTRACS MSS system, the Commission emphasized that Qualcomm's downlink transmissions would appear identical to all ground stations, whether mobile or fixed, and that these transmissions would be consistent with the existing FSS policies and rules in the frequency band in question.¹⁵

HCI's proposal to provide FSS services via portable terminals in the MSS band is supported by *Motorola Satellite Communications, Inc.*, where the Commission, again granted a waiver of the Table of Allocations to permit non-conforming operations on a no-harmful-interference basis.¹⁶ The Commission, following a similar ruling in *AMSC Authorization Order*,¹⁷ allowed Motorola to provide

Corp., 4 FCC Rcd. 4538, 4539, ¶ 5 (1989) (provision of RDSS in FSS bands on a non-interference basis); *Qualcomm, Inc.*, 4 FCC Rcd. 1543, 1544, ¶ 11 (1989) (provision of MSS in FSS bands on a non-interference basis); *DBS Systems*, 92 FCC 2d 64, 68, ¶ 4 (1982) ("the Commission generally allows non-conforming uses in appropriate situations"). Such waivers are consistent with Commission rule section 2.102 and international Radio Regulation 342. See *COMSAT and AMSC*, 5 FCC Rcd. 4117, 4118, ¶¶ 8, 8 n. 18 (1990).

¹⁴ *Mobile Satellite-Based Communications by Crescomm Transmission Services, Inc. and Qualcomm, Inc.*, 11 FCC Rcd. 10944 (1996), *Qualcomm, Inc.*, 4 FCC Rcd. 1543, ¶¶ 11, 15 (1989) ("Qualcomm").

¹⁵ *Qualcomm* at ¶ 12.

¹⁶ *Motorola Satellite Communications, Inc.*, 11 FCC Rcd. 13952, ¶ 11 (1996) ("Motorola").

¹⁷ *AMSC Authorization Order*, 4 FCC Rcd. 6041, 6048, ¶ 51 (1989).

ancillary FSS service -- both uplinks and downlinks -- in a frequency band allocated for the MSS.¹⁸

Just as in *Qualcomm*, the StarLynx™ downlink signals -- whether received by a mobile, portable, or SAN station -- will appear identical to all users operating in the 37.5-38.6 GHz band and will conform to the service rules for FSS transmissions in this band. Consistent with the Commission's rulings in *Motorola* and *AMSC Authorization Order*, the StarLynx™ uplink signals from its portable terminal will cause no greater interference potential to any other co-frequency spectrum users than the StarLynx™ mobile terminal. Therefore, the Commission should grant a waiver of the Table of Allocations to permit HCI to transmit downlink signals to the StarLynx™ mobile terminals in the entire 37.5-38.6 GHz band and to transmit uplink signals from the StarLynx™ portable terminals in an entire contiguous 1.1 GHz in the 45.5-46.7 GHz band, in each case on a no-harmful-interference basis.

Finally, to the extent that Part 25 of the Commission's rules is deemed to apply to the V-band,¹⁹ HCI requests a waiver of the requirements of Section 25.210 with respect to the NGSO portion of StarLynx™. That rule mandates certain technical standards that are intended to apply to GSO systems, and that are inapposite in the case of an NGSO system. With its highly efficient spectrum reuse capabilities, StarLynx™ complies with the spirit of those requirements.

¹⁸ *Motorola* at ¶¶ 10-11.

¹⁹ The Commission has not yet considered what service rules will apply to the V-band or whether any current Part 25 rules need to be modified to accommodate global V-band systems.

11. ENGINEERING CERTIFICATION

I hereby certify that I am the technically qualified person responsible for preparation of the engineering information contained in this application, that I am familiar with Part 25 of the Commission's Rules, that I have either prepared or reviewed the engineering information submitted in this application, and that it is complete and accurate to the best of my knowledge and belief.

By:



Dan P. Sullivan, Ph.D.

Vice President, Engineering

Hughes Communications, Inc.

September 25, 1997

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