

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

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
)  
Petition of Spacenet, Inc. For a Declaratory )  
Ruling that Section 25.134 of the )  
Commission's Rules Permit VSAT Remote )  
Stations in the Fixed Satellite Service to Use )  
Network Access Schemes that Allow )  
Statistically Infrequent Overlapping )  
Transmissions of Short Duration; or, In the )  
Alternative For Rule Making to Amend That )  
Section )

RM-9864

REPLY COMMENTS OF HUGHES NETWORK SYSTEMS

Hughes Network Systems, a division of Hughes Electronics Corporation, ("HNS") hereby replies to the comments filed in respect of the above-referenced Petition of Spacenet, Inc. In addition to HNS, only two other parties, PanAmSat Corporation and ALOHA Networks, Inc., appear to have filed comments in this proceeding.

The tenor and brevity of the PanAmSat and ALOHA Networks comments, along with absence of any other comments from interested parties, reinforce HNS's overarching view with respect to this proceeding. Namely, that no Commission action is necessary at this time because the VSAT licensing regime imposed by Section 25.134, along with industry custom and practice, is functioning effectively and properly. Likewise, if the Commission does determine that some action is necessary with respect to Section 25.134, the current record in this proceeding supports action by declaratory ruling rather than by a full rulemaking proceeding. Indeed,

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PanAmSat's comments support this view that "long-standing industry practice" in complying with the existing Section 25.134 has not resulted in "unacceptable levels of interference" from VSAT systems and that Commission action in response to Spacenet's Petition would "maintain the *status quo*."<sup>1</sup>

With respect to the substance of Spacenet's proposed declaratory ruling, HNS notes that ALOHA Networks agrees with HNS that the second prong of Spacenet's proposed rule is not feasible because it is system-design specific and does not encompass all VSAT system designs.<sup>2</sup> HNS agrees with ALOHA Networks's technical analysis in this respect. HNS also notes that the rules proposed by HNS and ALOHA Networks differ. HNS has studied the ALOHA Networks approach, and while HNS acknowledges the technical validity of that approach, HNS believes that the language in its proposed rule would be more appropriate and workable in practice.

ALOHA Networks, like Spacenet, focuses on the theoretical peak load of the individual VSAT system.<sup>3</sup> As HNS discussed in its comments, any ruling that the Commission makes in this proceeding should set the broadest possible parameters that protect from interference, but that allow individual operators to have the flexibility to make system design trade-offs and accommodations and to permit innovation in the future. HNS believes that a more flexible and appropriate approach, which is sufficiently generic across all VSAT systems, is to use as the interference limit the environment caused by a single remote earth station transmitting continuously, calculated pursuant to Sections 25.134 and 25.209. This approach has the benefit

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<sup>1</sup> See Comments of PanAmSat Corporation at 2 (filed May 30, 2000).

<sup>2</sup> See Comments of ALOHA Networks, Inc. at 1 (filed May 30, 2000).

of building on the existing rules, which allow for differing system designs within broad parameters, while still providing sufficient interference protection for affected parties.

In summary, HNS believes that the Commission need not take any action with respect to the interpretation of Section 25.134 and that this rule and the industry practice in compliance with the rule are sufficiently protective, as well as flexible. However, if the Commission determines that action is necessary in response to Spacenet's petition, HNS continues to recommend that the Commission issue a declaratory ruling that VSAT access schemes that allow collisions between remote stations on the inbound channels are permissible under Section 25.134(a)<sup>4</sup> of the FCC rules so long as (i) each remote station satisfies the antenna power density limit of paragraph (a) of that Section (ii) the total average power radiated toward the target satellite by all of the remote stations in the network using an averaging period of one second is less than that of a single remote station transmitting continuously and (iii) the maximum duration of any individual collision is less than 100 milliseconds.

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<sup>3</sup> *See Id.* at 2.

<sup>4</sup> VSAT systems licensed pursuant to Section 25.134(b) should not need to meet the proposed declaratory ruling requirements because these systems must be coordinated with adjacent systems in any event.

Respectfully submitted,

HUGHES NETWORK SYSTEMS

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## CERTIFICATE OF SERVICE

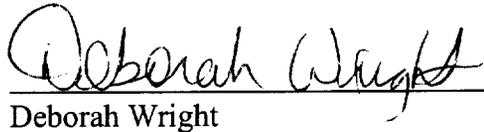
I hereby certify that a true and correct copy of the foregoing Reply Comments of Hughes Network Systems was sent by first class mail, postage prepaid, this 14<sup>th</sup> day of June, 2000, to each of the following:

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