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SEP 21 1994

FEDERAL COMMUNICATIONS COMMISSION
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*ADMITTED IN PENNSYLVANIA ONLY

September 21, 1994

BY HAND DELIVERY

Mr. H. Franklin Wright
Federal Communications Commission
2025 M Street, N.W.
Room 7322
Washington, D.C. 20554

Re: Withdrawal of MicroLab Experimental Application

Dear Mr. Wright:

Orbital Imaging Corporation ("ORBIMAGE"), a subsidiary of Orbital Sciences Corporation, in early April of this year submitted an application seeking an experimental license for its MicroLab project. In that application, ORBIMAGE indicated that it was unclear to what extent an FCC license was necessary, because ORBIMAGE would be utilizing the frequencies in fulfillment of a government contract.^{1/} Nevertheless, out of an abundance of caution, and at the urging of the government, ORBIMAGE sought Commission licensing in addition to continuing to coordinate and negotiate with NASA to obtain a frequency assignment from the NTIA that ORBIMAGE would be able to use.

ORBIMAGE now has positive indications that NASA will soon receive its frequency assignment from the NTIA, allowing ORBIMAGE to operate the spacecraft per the provisions of the NASA contract. However, further discussions with the government have led to the conclusion that parallel licensing by the Commission is unnecessary, and could create some confusion. Therefore,


^{1/} Recent legislation raises some questions concerning the need for FCC licensing in a situation such as this where the spectrum would be used by a private company to provide service and/or information to the federal government. Cf., 47 U.S.C. § 903(e).

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is unnecessary, and could create some confusion. Therefore, ORBIMAGE now seeks to formally withdraw its application and respectfully requests that the Commission return the FCC MicroLab application to ORBIMAGE.

If you have any questions concerning this matter or desire any additional information, please direct them to me at (202) 371-9100.

Sincerely,



Stephen L. Goodman
Counsel for Orbital Imaging
Corporation

cc: James Byrd
Mary Ellen Seravalli