

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

In the Matter of the Application of
ORBITAL COMMUNICATIONS CORPORATION
For Authority to
Construct a Low-Orbit Mobile
Satellite System

File No.

RECEIVED

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Domestic Radios Division
Satellite Radio Branch

REQUEST FOR WAIVER UNDER
SECTION 319(d) OF THE COMMUNICATIONS ACT

Orbital Communications Corporation ("ORBCOMM"), by its attorneys, hereby requests a waiver pursuant to Section 319(d) of the Communications Act so that ORBCOMM can proceed immediately with the design and development phases of the construction of the satellites to be used in the low-earth orbit satellite system. As set forth in detail in the application for authority to construct being filed concurrently, the public interest would be well served by the prompt implementation of ORBCOMM's low-earth satellite system. ORBCOMM is prepared to accept the risk of undertaking preliminary construction work on the satellites pending final action by the Commission on its application.

ORBCOMM is the separate subsidiary formed by Orbital Sciences Corporation ("OSC") to develop the ORBCOMM system. OSC, the parent corporation, was formed eight years ago to develop and operate space transportation systems and to engage in other space-related businesses in both the commercial and government sectors. In its brief history, OSC has developed

several major advanced transportation products, including the Transfer Orbit Stage® orbit transfer vehicle and the Pegasus™ Air-Launched Space Booster now in production and preparing to launch payloads for customers including the National Aeronautics and Space Administration and the Department of Defense. ORBCOMM will use its demonstrated expertise to begin the construction of the satellites.

PUBLIC INTEREST CONSIDERATIONS

The ORBCOMM satellite system will meet the unserved and underserved needs of U.S. consumers for low-cost, two-way data communications and position determination. One of the primary services that ORBCOMM will offer is safety and emergency communications to persons throughout the United States, including the ability to meet critical emergency communications needs in presently unserved areas such as those identified by the Commission in the PELTS proceeding.^{1/} In addition, ORBCOMM will provide low-cost data acquisition and tracking capabilities useful for environmental monitoring, tracking of stolen goods, and critical two-way data communications. The public interest would clearly be served by the availability of these services as quickly as possible.

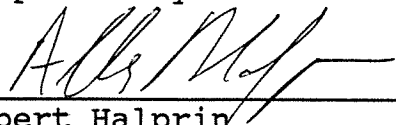
By its nature, a low-earth orbit satellite system provides world-wide coverage in addition to complete U.S. coverage, because the satellites overfly all of the globe as they

^{1/} Amendment of Parts 0, 1, 2, and 95 of the Commission's Rules Regarding the Establishment of a Personal Emergency Locator Transmitter Service, 4 FCC Rcd 8657 (1989).

circle the earth. Since only a small incremental investment in earth stations is necessary to access the satellites, ORBCOMM can quickly and inexpensively bring these pioneering mobile communications to other countries, including underdeveloped and less densely populated nations. ORBCOMM will be able to take advantage of the global coverage and export service to foreign countries, and thereby help offset the telecommunications trade deficit. ORBCOMM currently has a technological lead over other nations, but foreign countries are developing small satellite and low-earth launch capabilities, and they may catch up with ORBCOMM. Thus, delays threaten American preeminence in this new mobile satellite technology.

In order to bring service to the public as quickly as possible, and to maintain the U.S. technological lead, ORBCOMM requests a waiver under Section 319(d) of the Communications Act, so that it may begin work on the construction of the small satellites immediately. ORBCOMM recognizes that any work undertaken pursuant to this waiver will be at its own risk, and will not prejudice final Commission action on its low-earth orbit satellite system application.

Respectfully submitted,



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