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FEDERAL COMMUNICATIONS COMMISSION  
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DOMESTIC FACILITIES DIVISION  
SATELLITE RADIO BRANCH

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

In the Matter of )  
 )  
SATELLITE CD RADIO, INC. )  
 )  
Application for Digital Audio )  
Radio Service Satellite System )

File Nos. 49/50-DSS-P/LA-90;  
58/59-DSS-AMEND-90;  
44/45-DSS-AMEND-92

COMMENTS IN SUPPORT OF MOTION

Pursuant to Section 1.45 of the Commission's Rules,<sup>1</sup> Digital Satellite Broadcasting Corporation ("DSBC"), hereby comments on the *Motion For Acceptance of Supplemental Comments* ("*Motion*") filed by Satellite CD Radio, Inc. ("CD Radio") on November 9, 1994, in the above-captioned proceeding.

DSBC supports the grant of CD Radio's *Motion*. As CD Radio states, acceptance of its pleading, which includes CD Radio's proposed rules, would ease the administrative burden of the Commission. Moreover, the time is ripe for the Commission to consider and adopt rules that will permit licensing of qualified applicants and this pleading raises important issues in this regard not yet considered by the Commission. Accepting CD Radio's filing, and any responses to it, will provide the Commission with valuable initial input when it considers regulatory policies and service rules for DARS.

However, it is important for the Commission to consider CD Radio's *Motion* and *Supplemental Comments* in the context of a rulemaking proceeding rather than within the

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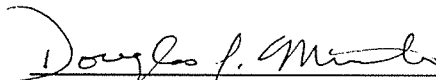
<sup>1</sup> 47 C.F.R. § 1.45 (1993).

narrowly focused context of a restricted application proceeding. Service rules must be the subject of rigorous debate by all parties, a dialogue that can be hindered in a restricted proceeding in which *ex parte* presentations are generally prohibited.

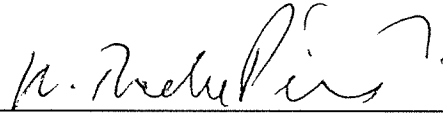
DSBC supports grant of CD Radio's *Motion* and acceptance of its supplemental pleading and encourages the Commission to prepare a *Notice of Proposed Rulemaking* to consider DARS service rules. This will permit open debate in an appropriate forum on issues that will permit the Commission to develop final service rules and license qualified applicants.

Respectfully Submitted

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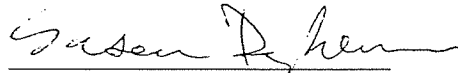
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November 23, 1994

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of November, 1994, copies of the foregoing *Comments in Support of Motion* were served by hand delivery\*, or first class mail, postage prepaid, to the parties on the attached service list.

  
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