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**General Aviation
Manufacturers Association**

1400 K Street NW, Suite 801
Washington, DC 20005-2485
(202) 393-1500 • Fax (202) 842-4063

May 27, 1999

Received

JUN 3 1999

Satellite Policy Branch
International Bureau

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals, Room TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: File Nos. CSS-90-017
[IBFS File No. SAT-LOA-19900723-00002];
SAT-AMD-19990125-00016

Dear Ms. Salas:

The undersigned is in receipt of a letter dated May 26, 1999 from Tara K. Giunta, counsel to WorldSpace, Inc. and AfriSpace, Inc. The letter takes the position that the General Aviation Manufacturers Association's ("GAMA's") filing of May 3 should not be considered by the Commission because it did not contain a certificate of service and was not served on AfriSpace or its counsel. The letter cites in this connection Commission Rule 25.154.

The May 26 letter is mistaken. On March 4, 1999 the Commission issued a special Public Notice dealing with the status of the AfriSpace application and the procedures for commenting thereon (see Attachment). That Public Notice specifically allowed ex parte presentations subject to the Commission's "permit but disclose" rules due to the international coordination and policy issues raised by the application.

GAMA's letter was filed in accordance with the Public Notice. It was clearly a permissible ex parte presentation and supplied an original and one copy "for inclusion in the public record of this matter." Consequently, there is no basis for the AfriSpace request.

Accordingly, AfriSpace's May 26 request is without merit, and GAMA's letter should be considered.



Magalie Roman Salas, Secretary
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Any questions regarding this matter may be referred to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward M. Bolen", with a horizontal line extending to the right.

Edward M. Bolen
President

cc: Tara K. Giunta, Esq.



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, DC 20554

92270

News media Information 202/418-0500
Fax-On_demand (202) 418-2830; Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)

Report No. SPB-149

March 4, 1999

INTERNATIONAL BUREAU SATELLITE POLICY BRANCH INFORMATION:

In the Matter of Application of AfriSpace Inc. for Authority to Launch and Operate a Satellite Sound Broadcasting Transmission System, File No. CSS-90-017 [IBFS File No. SAT-LOA-19900723-00002]; Amendment File No. SAT-AMD-19990125-00016 (Call Sign 52367)

On January 22, 1999, AfriSpace, Inc. ("AfriSpace") filed an amendment to its application for authority to construct, launch and operate its AfriStar system. AfriStar is a subregional Africa and Middle Eastern satellite sound broadcasting transmission system to operate in the 1467-1492 MHz frequency bands (L-Band). AfriSpace states that this amendment updates the information in its pending application and brings its requested orbital location into conformance with its experimental license granted by the Commission in 1991. AfriSpace also states that it seeks to amend its application to include the use of the lower BSS(Sound) L-Band frequencies, 1452-1467 MHz, subject to the results of a competent ITU conference convened to plan BSS(Sound) services in this portion of the band.

AfriSpace states that since its original application was filed and put on public notice as tendered for filing, there have been several changes in its proposal. It asserts that it will offer point-to-multipoint transmission capacity to customers on a non-common carrier basis but will initially lease nearly all of the capacity to one customer, WorldSpace International Network, Inc. (WIN), a British Virgin Islands corporation. WIN will resell capacity to programmers in need of BSS(Sound) transmission capacity in Africa and the Middle East. AfriSpace proposes to operate one geostationary satellite, associated ground control systems, associated network management systems and feeder link stations. AfriSpace proposes to control the satellite, to be located at 21° W.L., out of sight of U.S. territory, through an Regional Operation Center located in Washington, D.C. connected by dedicated telephone lines to two telemetry, control and range earth stations located in India and Mauritius. It plans to finance the space segment by means of a 12 year lease agreement whereby it will lease its satellite system, AfriStar, from WorldSpace Satellite Company, Ltd., a wholly owned subsidiary of WIN. AfriSpace states that it is a U.S. company that is 100 percent owned by WorldSpace, Inc., a Maryland corporation. It further states that in December 1996 WorldSpace, Inc. sold all of its non-

AfriSpace assets to WIN in exchange for capital and a 16% equity stake in WIN. The proceeds of this sale are being used to finance AfriSpace's current operations. Ownership information with respect to AfriSpace, WorldSpace International Network, and WorldSpace, Inc. is provided as exhibits to the filed amendment.

Comments or petitions to deny may be filed on or before **April 9, 1999**. Reply comments or oppositions to petitions to deny may be filed on or before **April 23, 1999**. responses may be filed on or before **May 3, 1999**.

Parties are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in and IBM-compatible format using WordPerfect 5.1 for Windows or Microsoft Word for Windows software in a "read only" mode. Diskette submissions would be in addition to, and not a substitute for, the hard copy filing requirements reviewed above. All diskettes should be clearly labeled with: (1) the party's name; (2) the name of the proceeding and file number; (3) the type of filing submitted (*e.g.*, comments, reply comments); and (4) the date of submission. The diskettes should be accompanied by a cover letter and file with Magalie Roman Salas, Secretary, FCC, 445 12th Street, S.W., Washington D.C. 20554.

Ex Parte Status of this Proceeding. We designate this application captioned above as a "permit but disclose" proceeding pursuant to Section 1.1200(a) of the Commission's rules. 47 C.F.R. §§ 1.1200(a), 1.1206 and 1.1208, Note 2. We conclude that such treatment would best serve the public interest, in light of the intricate international coordination issues and the interrelated legal and technical issues involving U.S. digital audio radio systems and other related satellite proposals that are raised by this application. Accordingly *ex parte* presentations in this proceeding are subject to the disclosure requirements set forth in Section 1.1206 of the Commission's rules. 47 C.F.R. § 1.1206.

The application and related filings will be available for public inspection in the International Reference Center, Room 102, 2000 M Street, N.W., Washington, D.C. 20554.

For further information, contact Kathleen Campbell at (202) 418-0753.