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September 12, 1996

Satellite Policy Branch  
International Bureau

BY HAND DELIVERY

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W. Room 222  
Washington, DC 20554

RE: Request for Extension of Time of:  
Constellation Communications, Inc. (File Nos. 17-DSS-P-91(48), CSS-91-013, 9-SAT-LA-94, 10-SAT-AMEND-94).

Also re: Mobile Communications Holdings, Inc. (File Nos. 11-DSS-P-91(6), 18-DSS-P-91(18), 11-SAT-LA-95, 12-SAT-AMEND-95);  
AMSC Subsidiary Corporation (File Nos. 15/16-DSS-MP-91).

Dear Mr. Caton:

This letter is written on behalf of L/Q Licensee, Inc. (LQL), to object to the request of Constellation Communications, Inc., for an extension of time for the three remaining MSS Above 1 GHz applicants to file their amended financial qualification information.<sup>1</sup> Constellation has requested that the Commission postpone the deadline for filing financial information for 60 days beyond the release date of the Commission's response to the "Request for Small Entity Guidance" filed by Mobile Communications Holdings, Inc. (MCHI), and a similar, but yet to be submitted, request by Constellation.

First, it has now become obvious that these applicants are no closer to meeting the Commission's requirements than they were nearly two years ago.

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<sup>1</sup> See Comments of Constellation Communications, Inc., at 3 (filed Aug. 29, 1996) re "Request for Small Entity Guidance" of Mobile Communications Holdings, Inc.

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o All three remaining applicants have had over 18 months to remedy any deficiency in their financial showings. The financial commitments necessary for a \$1 billion or more satellite system obviously cannot be put together in haste. If these applicants are only now seeking "guidance," and require more time, the inevitable conclusion is that they simply do not have the financing available to demonstrate their qualifications to hold an MSS Above 1 GHz license.

o Constellation and MCHI are requesting "guidance" on how to meet the Commission's financial standard for MSS Above 1 GHz applicants. The parameters of that test have been in place for over 10 years,<sup>2</sup> and the applicants have been aware of the requirements for nearly two years.<sup>3</sup> In these circumstances, ignorance is not an acceptable excuse.

Second, Constellation and MCHI have not been diligent. MCHI waited six weeks after a July 3, 1996, meeting with Commission Staff to put in writing the questions which it had raised informally at the meeting,<sup>4</sup> bringing the applicants closer to the August 26, and then September 16, deadline. In the meantime, none of the three applicants has demonstrated any progress toward providing an adequate financial showing, which the Commission should demand before considering any further extension of time.

Third, to the extent that the Commission is concerned about sufficient competition in mobile satellite services, it should not and need not pin its hopes on these applicants. There are at least four global MSS systems moving forward (Globalstar, Odyssey, Iridium and ICO), as well as several other global and regional systems on the drawing board.

Finality in this proceeding is long past due. Further delay and uncertainty would not serve the public interest.

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<sup>2</sup> Domestic Fixed Satellite Service, 58 RR 2d 1267, 1269-74 (1985).

<sup>3</sup> See Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile-Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, 9 FCC Rcd 5936, 5948-54 (1994), modified on recon. 2 CR 673 (1996).

<sup>4</sup> See MCHI's Request for Small Entity Guidance Pursuant to Section 213 of the Small Business Regulatory Enforcement Fairness Act of 1996 (filed August 16, 1996).

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Accordingly, LQL requests that the Commission hold Constellation, MCHI and AMSC to the scheduled deadline of September 16, 1996, for demonstration of their financial qualifications and not grant any additional extensions of time.

Respectfully submitted,

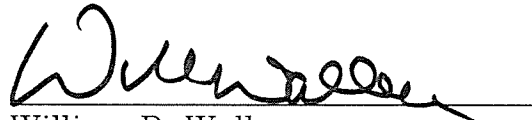
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