

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Application of)
CONSTELLATION COMMUNICATIONS, INC.)
For Authority to Construct, Launch and Operate)
a Low Earth Orbit Satellite System in the)
1610-1626.5 MHz/2483.5-2500 MHz Band)
_____)

File Nos. 17-DSS-P-91(48)
CSS-91-013
9-SAT-LA-95
10-SAT-AMEND-95

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Satellite Policy Branch
International Bureau

COMMENTS OF MOBILE COMMUNICATIONS HOLDINGS, INC.

Mobile Communications Holdings, Inc. ("MCHI"), by its attorneys, hereby submits its comments with respect to the November 21, 1995 Petition for Declaratory Ruling of Constellation Communications, Inc. ("Constellation") which seeks (1) a ruling by the Commission that a proposed stock transaction will not affect Constellation's status in the Big LEO processing group; and (2) an extension of the filing deadline for proof of financial qualifications until at least 60 days after Commission action on the petition.

MCHI has a pending application to construct, launch and operate ELLIPSO™, a low-Earth orbit mobile satellite system in the 1.6/2.4 GHz frequency bands. Along with the applications of Constellation and American Mobile Satellite Corporation ("AMSC"), consideration of MCHI's application was deferred pending submission of a showing demonstrating financial qualifications on or before January 31, 1996. Over the past year, MCHI has been actively negotiating

and documenting financial arrangements necessary to satisfy the Commission regarding MCHI's financial qualifications.^{1/} MCHI intends to meet the Commission's January 31, 1996 filing date.

In these comments, MCHI does not address the substantive merits of Constellation's petition. Rather, MCHI's overriding concern is to ensure that Constellation's petition does not delay or postpone the prompt processing of applicants, such as MCHI, that intend to meet the January 31, 1996 date. In the Starsys case, which Constellation cites as precedent, postponement of the Starsys financial showing did not affect consideration of other pending applications in the processing group. Both Orbcomm and VITA met their respective filing deadlines and were not delayed by the Starsys request for declaratory ruling.

If the requested extension is granted, the Commission can and should process those Big LEO applicants meeting the January 31 deadline without regard to Constellation. The Commission should assume that Constellation is prepared to bear the consequences of any postponement in its financial showing. We have in mind the suggestion by the Commission itself that the allocated spectrum may be insufficient to accommodate all three of the deferred applications.^{2/} MCHI's application should not be prejudiced by Constellation's request for an extension.

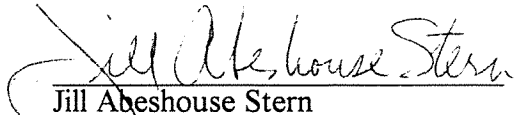
^{1/} On March 2, 1995, MCHI filed a "Consolidated Application for Review and Request for Clarification" asking the Commission to review the Bureau Chief's January 31, 1995 decision to defer MCHI's application. This application for review is still pending and relies upon the sufficiency of MCHI's November 1994 financial showing and related submissions.

^{2/} Report and Order, CC Docket No. 92-166, 9 FCC Rcd 5936, 5953 at para. 41 (1994).

For the foregoing reasons, MCHI urges the Commission to clarify, if it grants Constellation's request for extension, that applicants qualifying by January 31, 1996 will be promptly processed with Constellation bearing the risk which its request for postponement entails.

Respectfully submitted,

MOBILE COMMUNICATIONS
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December 1, 1995

CERTIFICATE OF SERVICE

I, Felecia G. DeLoatch, do hereby certify that a true and correct copy of the foregoing document was sent by first-class mail, postage prepaid, or hand-delivered, on this 15th day of December, 1955, to the following persons:

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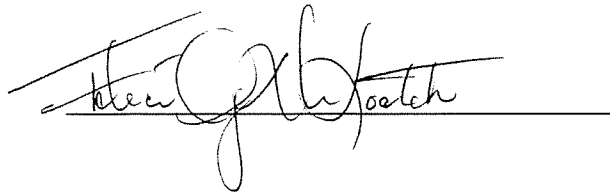
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A handwritten signature in black ink, appearing to read "Dale Gallimore", is written over a horizontal line. The signature is stylized and cursive.

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