

August 2, 1993

1600B3

Mr. Edward A. Yorkgitis, Jr.  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

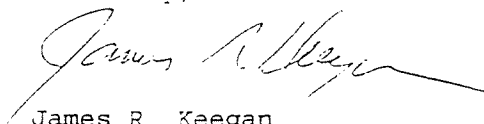
Dear Mr. Yorkgitis:

This is in response to the applications filed on behalf of Satellite CD Radio, Inc. (CD Radio) on July 1, 1993, to construct two transmit-only earth stations to be used by CD Radio for feeder links in the Digital Audio Radio Service (DARS). In the applications, CD Radio proposes to transmit 30 CD quality music channels in the 6.7 GHz band to either of two space stations from which CD Radio proposes to provide DARS.

We are returning CD Radio's applications without prejudice as being prematurely filed. First, CD Radio has requested authorization to use the 6710-6720 MHz and 6720-6730 MHz frequency bands for its DARS feeder links. The process for developing service rules for DARS is in the preliminary stage, and the Commission may, at a later time, designate a specific allocation of frequencies for DARS feeder links. It is, therefore, possible that the frequencies proposed by CD Radio for feeder links will not comply with the frequencies eventually allocated by the Commission for DARS feeder links. Second, the 6720-6730 MHz band proposed by CD Radio for a DARS feeder link overlaps the 6725-7025 MHz band by 5 MHz. The 6725-7025 MHz band is part of the International Fixed-Satellite Service Allotment Plan and it is not clear whether any use of this band for DARS feeder links will be authorized. Moreover, space stations to provide DARS have not been authorized by the Commission. Until that time, we can not authorize transmitting earth stations in these bands. For these reasons, we will not begin processing CD Radio's earth station applications at this time. Further, the Commission will not hold CD Radio's applications indefinitely until further developments are made in DARS service and allocation rules.

Thus, CD Radio's two applications for earth stations to provide DARS feeder links are hereby dismissed without prejudice. CD Radio's applications and a refund of its filing fees will be returned to CD Radio within four to six weeks.

Sincerely,



James R. Keegan  
Chief, Domestic Facilities Division  
Common Carrier Bureau