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May 13, 1997

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Via Hand Delivery

Rosalee Chiara, Esquire  
International Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 516  
Washington, D.C. 20554

Re: Pending Application for Review, Norris  
Satellite Communications, Inc.; Reinstatement  
of Authorization to Construct, Launch, and  
Operate Satellites in the Ka-Band; File Nos.  
54-DSS-P/L-90, and 54-DSS-P-90.

Dear Ms. Chiara:

You will recall that the undersigned represents Norris Satellite Communications, Inc. I am attempting to clarify certain information provided to me by your office over the past two weeks. Specifically, you informed me; on May 7, 1997, that your office, in coordination with the Office of the General Counsel, had determined that the above-referenced Application for Review is a Restricted Proceeding within the meaning of 47 C.F.R. §1.1208, and therefore it is impossible for me or representatives of my client to meet with the International Bureau, or with the offices of the Commissioners, to discuss matters related to the proceeding.

However, the Commission's actions of last week relative to the assignment of orbital locations to space stations in the Ka-Band, (See, the Order, DA-97-967, adopted May 8, 1997, and released May 9, 1997) and the grants of thirteen Ka-Band satellite applications on the same date, make the determination that Norris' Application for Review is a Restricted Proceeding difficult to understand.

You informed me on Monday, May 5, 1997, at a time when I was attempting to establish a meeting with Mr. Cowhey and with the Office of Commissioner Quello that there was concern that this was a Restricted Proceeding. You indicated that there would be a public notice to that effect released "in the next few days". You confirmed the determination by a telephone call to me on May 7, 1997, and at that time stated that there would be no public notice issued. I asked you whether the determination was based on concerns of mutual exclusivity between Norris' reinstatement request and other Ka-Band applicants, and as I recall, you indicated in the affirmative, though you did not elaborate on the basis for the determination.

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The very next day, the Bureau adopted the Order on *Assignment of Orbital Locations to Space Stations in the Ka-Band*, DA 97-967, and separately granted each of the pending applications for Ka-Band authorizations, but the Commission took no action on Norris' Application for Review. Apparently the Bureau perceives no mutual exclusivity between any of those granted applications, or the orbital spacing Order on the one hand, and the Norris Application for Review on the other hand. If that is the case, in what respect is the unopposed Norris Application for Review a Restricted Proceeding?

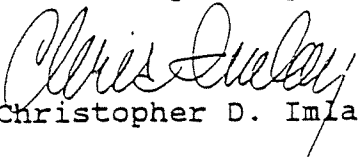
While the Bureau has, by its actions of May 8, 1997, tilted the playing field competitively against Norris and in favor of the granted applicants, and has by its actions apparently made it impossible to reinstate the 90-degree orbital spacing previously granted to Norris, your office has at the same time determined that Norris can do nothing to attempt to catch up, by determining, without any written confirmation or elaboration, that Norris is precluded from any attempt to urge the grant of its Application for Review, or even to discuss the matter substantively with appropriate Commission staff. Your determination stands to seriously prejudice the legal and competitive posture of Norris Satellite Communications, Inc.

Please, without further delay, inform the undersigned in writing of the basis or bases for the determination that the unopposed Norris Satellite Communications, Inc. Application for Review is a Restricted Proceeding pursuant to Section 1.1208 of the Commission's Rules, in view of the grants released May 9, 1997. In this respect, it is notable that Norris Satellite representatives and prior counsel for Norris met in June of 1996 on this same subject with the offices of Commissioners Chong, and Ness, and later with the office of Commissioner Quello. The undersigned, with representatives of Norris Satellite, visited the Office of Commissioner Ness, to discuss the reinstatement of the Norris Satellite Communications, Inc. authorization, in April of this year.

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Thank you for your prompt consideration of this matter and anticipated response.

Yours very truly,

  
Christopher D. Imlay

cc: William E. Kennard, Esq.  
Peter F. Cowhey, Esq.  
Rudolfo M. Baca, Esq.  
Mr. John Norris  
Dr. Ben Armstrong  
Dr. Barry Brian