

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

May 29 1 21 PM '97

In re)	
INTL. REFERENCE CENTER)	
NORRIS SATELLITE COMMUNICATIONS, INC.)	File Nos. 54-DSS-P/L-90
)	54-DSS-P-90
Authorization to Construct, Launch,)	
and Operate Satellites in the Ka-Band)	

To: The Commission

THIRD SUPPLEMENT TO APPLICATION FOR REVIEW

Norris Satellite Communications, Inc., (Norris) by counsel¹, hereby respectfully submits a third supplement to the pending Application for Review seeking reinstatement of the authorization issued in the above-captioned matter.² This third supplement proffers new evidence and arguments regarding material facts not previously available. Norris therefore states as follows:

Background

Following grant of the above-captioned application, the Commission received several similar applications proposing to provide international fixed-satellite service (FSS) from geostationary-orbit (GSO) satellite systems in the Ka-band. By Public Notice, the Commission established a cut-off date for submission of additional applications. *Ka-Band Satellite*

¹ The record in this proceeding should be revised to reflect that the law firm of Booth, Freret, Imlay & Tepper, P.C., is now counsel to Norris.

² The Application for Review was filed April 15, 1996. A Supplement to Application for Review was filed May 23, 1996, and a Second Supplement to Application for Review was filed August 15, 1996. The application and supplements seek review of an Order of the International Bureau, DA 96-363, dated March 14, 1996 (the Bureau Order).

Applications Accepted for Filing: Cut-Off Established for Additional Applications, Public Notice, Report No. SPB-20, DA 95-1689 (released July 28, 1995). Consequently, the International Bureau issued an Order in which it assigned orbit locations for all applications which had been submitted prior to the cut-off date. *Assignment of Orbital Locations to Space Stations in the Ka-Band*, DA 96-708 (May 6, 1996).

New Information and Evidence

On February 10, 1997, fifteen Ka-band applicants (most of which had submitted multiple applications) submitted a joint orbital plot plan for "Region A" of the orbital arc, defined as the section of the orbital arc from 67°W longitude to 148°W longitude. In general, the plot designations are spaced at 2° intervals. However, several of the designations are as close as 1° apart.

According to the Region A joint plot plan, the slots at 89°W and 91°W are to be ultimately assigned to Orion and Motorola, respectively. Given the other spacings indicated in the table, reauthorization of the Norris application at 90° would create no greater conflict than several other spacings already accepted by the other applicants.

In the Bureau Order, from which Norris has taken the instant appeal, the Bureau Chief ordered that the orbital assignments granted to Norris be available for reassignment. However, given the finality of the cut-off date, and the fact that the 90°W slot is unassigned in the slot plan negotiated by the 15 Ka-band applicants, it is clear that the 90° slot will not be assigned in the near future. Therefore, no prejudice will result from reinstatement of Norris' authorization.³

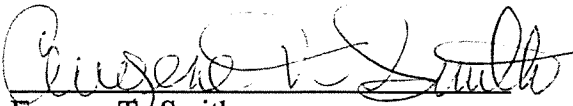
³ Should the Commission determine that a minimum 2° spacing requirement is necessary, Norris will petition for amendment of its application to designate slots at both 71°W and 129°W if these are available. This dual configuration will be necessary to achieve blanket coverage of

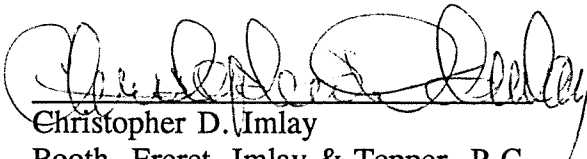
Conclusion

Therefore, in light of the foregoing new information, and for the reasons stated in the Application for Review and the supplement thereto, Norris Satellite Communications, Inc., again asks that the Commission reinstate the authorization previously granted in the above-captioned matter.

Respectfully submitted,

NORRIS SATELLITE COMMUNICATIONS, INC.

By: 
Eugene T. Smith
Law Offices of Eugene T. Smith
715 G Street, SE
Washington, DC 20003


Christopher D. Imlay
Booth, Freret, Imlay & Tepper, P.C.
1233 20th Street, NW
Suite 204
Washington, DC 20036
(202) 296-9100

Its Attorneys

March 28, 1997

the contiguous United States to replace that coverage which otherwise would have been available at 90° spacing.

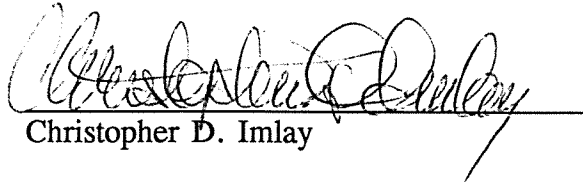
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing THIRD SUPPLEMENT TO APPLICATION FOR REVIEW was hand delivered this 2nd day of April, 1997, to the following:

Peter Cowhey, Acting Chief
International Bureau
Federal Communications
2000 M Street, Room 800
Washington, DC 20554

Thomas S. Tycz, Chief
Satellite and Radiocommunications Division
Federal Communications Commission
2000 M Street, Room 800
Washington, DC 20554

Karl Kensinger
Federal Communications Commission
2000 M Street, Room 521
Washington, DC 20554


Christopher D. Imlay