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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re	)		
	)		
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			

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REQUEST FOR EXPEDITED CONSIDERATION

Norris Satellite Communications, Inc., (Norris) by counsel and pursuant to 47 C.F.R. §1.41, hereby respectfully requests that the Commission expedite consideration of the Application for Review, as supplemented, currently pending before the Commission in the above-captioned matter. In the more than 17 months during which the appeal has been pending, Norris has suffered extreme uncertainty, hardship, and loss of business opportunities.

Norris was the first applicant for a license to provide fixed-satellite service (FSS) from a geostationary-satellite orbit (GSO) system in the Ka-band. In 1992, the Commission granted Norris' application and assigned it an orbital slot at 90° West Longitude. *See Norris Satellite Communications, Inc.*, 7 FCC Rcd 4289 (1992), recon. den. 9 FCC Rcd 7370 (1993). The authorization included a milestone schedule which set deadlines for commencement of construction, completion of construction, and launch.

Upon Norris' petition, submitted simultaneously with its application, the Commission issued two Notices of Proposed Rulemaking (NPRM) contemplating reallocation of the Ka-band frequencies. *Amendment of Section 2.106 of the Commission's Rules to Upgrade to Primary*

*Status the Secondary Mobile-Satellite Service Allocation at 19.7-20.2 GHz and 29.5-30.0 GHz*, 7 FCC Rcd 5626 (1992); *Rule Making to Amend Part 1 and Part 21 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band and to Establish Rules and Policies for Local Multipoint Distribution Service*, 8 FCC Rcd 557 (1993).

Given the uncertainties imposed by the Ka-band reallocation proceedings, Norris sought, and was granted, a 6-month extension of the required completion and launch dates. Because the proceedings had still not been resolved by the end of the extension, Norris again requested a delay in its milestone deadlines. However, that request was denied by the International Bureau in an Order rescinding the Norris authorization and declaring the orbital slot available for reassignment. 11 FCC Rcd 5402 (1996). Norris timely filed an Application for Review on April 15, 1996. A Supplement to Application for Review was filed May 23, 1996; a Second Supplement to Application for Review was filed August 15, 1996; and a Third Supplement to Application for Review was filed April 2, 1997. The appeal is currently pending before the full Commission.

During the period in which Norris was unable to proceed with construction due to inevitable uncertainties regarding ultimate use of the band, several applications for FSS GSO authorizations were filed. The International Bureau ultimately issued a general Order assigning orbital slots to each of 13 applicants, *Assignment of Orbital Locations to Space Stations in the Ka-Band*, DA 97-967, released May 9, 1997, together with individual Orders and Authorizations granting licenses to the applicants. *Comm, Inc.*, DA 97-968, released May 9, 1997; *EchoStar Satellite Corp.*, DA 97-969, released May 9, 1997; *GE American Communications, Inc.*, DA 97-970, released May 9, 1997; *Hughes Communications Galaxy, Inc.*, DA 97-971, released May 9, 1997; *KaStar Satellite Communications Corp.*, DA 97-972, released May 9, 1997; *Lockheed*

*Martin Corporation*, DA 97-973, released May 9, 1997; *Loral Space & Communications Ltd.*, DA 97-974, released May 9, 1997; *Morning Star Satellite Company, L.L.C.*, DA 97-975, released May 9, 1997; *NetSat28 Company, L.L.C.*, DA 97-976, released May 9, 1997; *Orion Network Systems, Inc.*, DA 97-977, released May 9, 1997; *PanAmSat Licensee Corp.*, DA 97-978, released May 9, 1997; *Orion Atlantic, L.P.*, DA 97-979, released May 9, 1997; *VisionStar, Inc.*, DA 97-980, released May 9, 1997.

Although Norris' authorization was rescinded by the International Bureau on the ground that Norris had been unable to finish construction due to uncertainties in operational requirements, fully 6 of the 13 Ka-band licenses granted in May 1997 have no construction/launch milestones for the same reason. All of the May 1997 authorizations, as originally granted, are summarized in a table attached hereto as **EXHIBIT 1**.

Although the recent grantees are able to secure financing, establish clientele, and commence construction, the pendency of Norris' Application for Review has completely prevented Norris from making any such efforts. Given the nature of the industry, Norris' inability to act during this crucial start-up phase imposes a severe handicap on the pioneer in the field. This hardship is doubly harsh in that several of the recent grantees are expressly authorized to go forward in anticipation of ultimate resolution of the reallocation proceedings, despite the same uncertainties which resulted in the rescission of Norris' license.

Norris is a small company with limited resources. The extreme delay in Commission action upon its Application for Review has caused it to lose important financing opportunities and clientele. It will be further harmed if it is unable to complete construction and deploy its satellites before, or at least simultaneously with, the recent grantees. Accordingly, Norris respectfully asks that the Commission expedite consideration of the pending Application for

Review submitted in the above-captioned matter. (Norris notes that, in various pleadings previously submitted to the Commission, Norris has expressed its unconditional willingness to accept alternate orbital slots which would offer the same CONUS coverage Norris would have enjoyed under its former allotment which is apparently incompatible with the present slot assignment plan.)

Respectfully submitted,

**NORRIS SATELLITE COMMUNICATIONS, INC.**

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1997 Ka-BAND SATELLITE AUTHORIZATIONS						
Applicant	Frequencies	Milestones			Slots	
			Const Begun	Const Ended		Launch
Comm, Inc. (DA 97-968)	19.7-20.2 (+250 MHz in 17.7-18.8) 28.35-28.6, 29.5-30.0	NONE (until resolution of freq issues)			91°W, 87°W, 77°W, 75°W	
EchoStar Satellite Corp. <sup>1</sup> (DA 97-969)	19.7-20.2 29.5-30.0	NONE (until resolution of freq issues)			121°W, 83°W	
GE American Communications, Inc. (DA 97-970)	19.7-20.2 (+500 MHz in 17.7-18.8) 28.35-28.6, 29.25-30.0	1st unit	5/98	4/02	5/02	105°W, 85°W, 17°W 56°E, 114.5°E <sup>2</sup>
		1st @ other sites	5/99	4/02	5/02	
		Co-located	5/99	10/04	11/04	
Hughes Communications Galaxy, Inc. (DA 97-971)	19.7-20.2 (+500 MHz in 17.7-18.8) 28.35-28.6, 29.25-29.5 <sup>3</sup>	NONE (until resolution of freq issues)			101°W, 99°W, 67°W, 49°W 25°E, 36°E, 40°E, 48°E, 54°E, 101°E, 111°E, 124.5°E, 149°E, 164°E, 173°E	
KaStar Satellite Communications Corp. (DA 97-972)	19.7-20.2 (+500 MHz in 17.7-18.8) 29.5-30.0 (+500 MHz in 28.35-28.60 / 29.25-29.5)	NONE (until resolution of freq issues)			109.2°W, 73°W	

<sup>1</sup> All applicants except EchoStar sought, and were granted, non-common carrier status. EchoStar sought, and was granted, common carrier status for some of its services and non-common carrier status for the rest.

<sup>2</sup> The Order and Authorization, ¶30, states that the Commission had assigned GE Americom a slot at 114.5° W.L. However, the Slot Assignment Order indicates that GE Americom is assigned a slot at 114.5° E.L. and there is no slot assignment at 114.5° W.L.

<sup>3</sup> The text of the Order and Authorization, ¶18, states that the Commission will grant Hughes' request for 29.25-30.0. However, the Ordering Clause, ¶36, designates only 29.25-29.5.

## 1997 Ka-BAND SATELLITE AUTHORIZATIONS

Applicant	Frequencies	Milestones			Slots	
		Const Begun	Const Ended	Launch		
Lockheed Martin Corporation (DA 97-973)	19.7-20.2 (+500 MHz in 17.7-18.8) 28.35-28.6, 29.25-29.5 <sup>4</sup>	NONE (until resolution of freq issues)			97°W, 21.5°W 38°E, 130°E, 175.25°E	
Loral Space & Communications Ltd. (DA 97-974)	19.7-20.2 (+250 MHz in 17.7-18.8) 28.35-28.6, 29.5-30.0	NONE (until resolution of freq issues)			115°W 28°E, 105.5°E	
Morning Star Satellite Company, L.L.C. (DA 97-975)	19.7-20.2 300 MHz in 28.35-28.6 / 29.25-30.0	1st satellite 1st satellite @ other site	5/98 5/99	4/02 4/02	5/02 5/02	147°W, 62°W 30°E, 107.5°E
NetSat28 Company, L.L.C. (DA 97-976)	19.7-20.2 (+500 MHz in 17.7-18.8) 28.35-28.6, 29.25-30.0		5/98	4/02	5/02	95°W
Orion Network Systems, Inc. (DA 97-977)	19.7-20.2 (+500 MHz in 17.7-18.8) 28.35-28.6, 29.25-30.0	Orion F7 Orion F8 Orion F9	5/98 5/99 5/99	4/02 4/02 4/02	5/02 5/02 5/02	89°W, 81°W, 78°E <sup>5</sup>
PanAmSat Licensee Corp. (DA 97-978)	19.7-20.2 (+250 MHz in 17.7-18.8) 28.35-28.6, 29.5-30.0	PAS 10 PAS 11	5/98 5/99	4/02 4/02	5/02 5/02	125°W, 58°W <sup>6</sup>
Orion Atlantic, L.P. (DA 97-979)	19.7-20.2 (+500 MHz in 17.7-18.8) 28.35-28.6, 29.25-30.0		5/98	4/02	5/02	47°W
VisionStar, Inc. (DA 97-980)	19.7-20.2 (+500 MHz in 17.7-18.8) 28.35-28.6, 29.25-30.0		5/98	4/02	5/02	113°W

<sup>4</sup> The text of the Order and Authorization, ¶17, states that the Commission will grant Lockheed Martin's request for 29.25-30.0. However, the Ordering Clause, ¶34, only grants use of 29.25-29.5.

<sup>5</sup> The Order and Authorization, ¶28, states that the Commission had assigned Orion Network Systems a slot at 78° W.L. However, the Slot Assignment Order indicates that Orion Network Systems is assigned a slot at 78° E.L. and there is no slot assignment at 78° W.L.

<sup>6</sup> The Order and Authorization, ¶26, states that the Commission had assigned PanAmSat a slot at 58° E.L. However, the Slot Assignment Order indicates that PanAmSat is assigned a slot at 58° W.L. and there is no slot assignment at 58° E.L.

## CERTIFICATE OF SERVICE

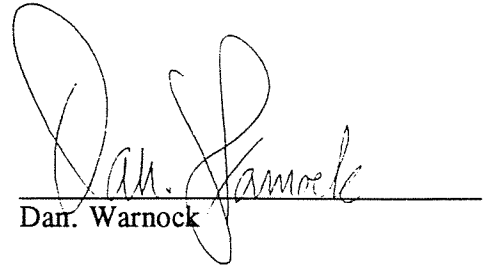
I hereby certify that a copy of the foregoing REQUEST FOR EXPEDITED CONSIDERATION was mailed, postage prepaid, this 8th day of October, 1997, to the following:

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