BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In re: Application of	)	
	)	
STARSYS Global Positioning, Inc.	)	
	)	File Nos. 31-DSS-AMEND-94,
For Authority to Construct a	)	32-DSS-LA-94
Low-Earth Orbit Mobile	)	
Communications Satellite System	)	
In the Matter of	)	
	)	
The Non-Voice, Non-Geostationary	)	
Mobile Satellite Service	)	
Applications of	)	
	)	
CTA Commercial Systems, Inc.	)	File No. 23-SAT-P/LA-95
	)	
E-Sat, Inc.	)	File No. 24-SAT-P/LA-95
	)	
Final Analysis Communication Services, Inc.	)	File No. 25-SAT-P/LA-95
	)	
GE American Communications, Inc.	)	File No. 26-SAT-P/LA-95
	)	
Leo One USA Corporation	)	File No. 27-SAT-AMEND-95
	)	
Orbital Communications Corporation	)	File No. 28-SAT-MP/ML-95
	)	
Volunteers In Technical Assistance	)	File No. 29-SAT-AMEND-95

To: Chief, International Bureau

MOTION TO STRIKE PORTIONS OF CONSOLIDATED PETITION TO DENY FILED BY CTA COMMERCIAL SYSTEMS, INC.

STARSYS Global Positioning, Inc. ("STARSYS"), by counsel, hereby moves to strike portions of the "Consolidated Petition to Deny" filed on February 24, 1995 by CTA Commercial Systems, Inc. ("CTA") in response to the FCC Public

Notice, DA 94-1323, released November 25, 1994.[1/] The Public Notice solicited comments and petitions concerning the seven above-captioned applications for Commission authority to construct, launch and operate non-voice, non-geostationary mobile satellite service ("NVNG MSS") systems that were filed or amended on November 16, 1994.

Instead of properly confining itself to discussion of the seven applications listed in the Public Notice, CTA's pleading is styled as a petition to deny five of the seven applicants,[2/] plus STARSYS's amended application for an NVNG MSS system, which was not listed in the recent Public Notice. STARSYS's amended application was accepted for filing last May. See Public Notice, Report No. DS-1423, released May 18, 1994. The pleading cycle for petitions, comments and reply comments ended on July 12, 1994 in accordance with the Commission's Rules, which provide that petitions to deny satellite applications must, inter alia, "[b]e filed within thirty (30) days after the date of public notice announcing the acceptance for filing of the application or major amendment thereto . . . ." 47 C.F.R. § 25.154(a)(2) (1993).

1/ On December 21, 1994, the Chief of the Satellite and Radiocommunication Division granted a request for a thirty day extension of the initial petition/comment deadline for the seven second-round NVNG MSS applications from January 25, 1994 until February 24, 1995. See Order, DA 94-1563 (Satellite and Radiocommunication Div., released December 22, 1994) ("Second-Round Extension Order").

2/ CTA does not oppose grant of the amended application of Volunteers in Technical Assistance ("VITA"), apparently because of its substantial financial interest in the VITA system. See VITA Amended Application, File Nos. 30-DSS-AMEND-94 and CSS-91-007(3) (filed April 25, 1995); STARSYS's Opposition to Amendment at 2-9 (filed June 20, 1994).

The record concerning STARSYS's application thus closed more than seven months before CTA's filing, and there is no justification for filing a petition against the STARSYS application at this time. Indeed, CTA has not even attempted to offer an explanation for its unreasonably late filing.

Even if the Commission were to entertain CTA's arguments, the fact remains that CTA's assertions concerning STARSYS's technical and financial qualifications are both misplaced and unfounded. To a significant extent, these contentions are stale recapitulations of prior statements made by others, all of which have been refuted in STARSYS's timely filings concerning its application. See, e.g., Consolidated Reply Comments of STARSYS Global Positioning, Inc., File Nos. 31-DSS-AMEND-94 and 32-DSS-LA-94 (filed July 12, 1994).

CTA also assails the Commission for granting STARSYS an extension of time to make its financial showing within sixty days following a Commission determination that STARSYS is legally qualified to be a Commission licensee. CTA Petition at 18. Final comments concerning STARSYS's Petition for Expedited Declaratory Ruling (FCC File No. 16-DSS-MISC-94), which requested both the Commission determination concerning its qualifications and the brief sixty day extension from grant of the declaratory ruling, were due more than one year ago, April 8, 1994. See Public Notice, DA 94-239 (released March 16, 1994). CTA did not participate in that proceeding, nor did it seek reconsideration of the June 1994 action granting STARSYS 60 days to make its financial qualifications showing

following a decision on STARSYS's Petition for Declaratory Ruling. It cannot now be heard to complain.[3/]

In short, none of CTA's assertions is appropriately raised here, in proceedings where STARSYS's application is not at issue. The Commission ought not tolerate such disregard of its procedural rules. Accordingly, to the extent that CTA's petition touches on issues concerning STARSYS's application, and purports to be a petition to deny that application, it should be stricken from the above-captioned proceedings and given no consideration.

Respectfully submitted,

STARSYS GLOBAL POSITIONING, INC.

By: _____

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April 10, 1995

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3/ To the extent that any party is "prejudiced," it is STARSYS, not the second-round applicants. STARSYS urged the Commission not to accept, or even begin processing, second-round applications until after the first-round applications have been acted upon. CTA's assertion of prejudice is nothing more than an attempt on its part to bootstrap itself into an undeserved position vis-à-vis an earlier-filed applicant.

CERTIFICATE OF SERVICE

I, Kaigh K. Johnson, hereby certify that true and correct copies of the foregoing "Motion to Strike Portions of Consolidated Petition to Deny Filed By CTA Commercial Systems, Inc." were sent by first-class, postage prepaid mail, this 10th day of April, 1995, to the following:

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