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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

MAR 26 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
EchoStar Satellite Corporation	)	File Nos. 167/168-SAT-P/L-95
	)	SAT-LOA-19950929-00118/00019
	)	54-SAT-AMEND-96
	)	SAT-AMD-19960124-00006
	)	SAT-MOD-20000222-00061/00062
)	
Hughes Communications Galaxy, Inc.	)	File Nos. 3/4-DSS-P/LA-94
	)	SAT-LOA-19931203-00040/00041
	)	174 through 179-SAT-P/LA-95
	)	SAT-LOA-19950929-00124
	)	through 00131
)	
)	
Loral CyberStar, Inc.	)	File Nos. 205-SAT-P/LA-95
	)	SAT-LOA-19950929-00157
	)	205/206-SAT-AMEND-95
	)	SAT-AMD-19950929-00157/00158
)	
Morning Star Satellite Company, LLC	)	File Nos. 190 through 193-SAT-P/LA-95
	)	SAT-LOA-19950929-00120
	)	through 00123
)	
Motorola, Inc.	)	File Nos. 163 through 166-SAT-P/LA-95
	)	SAT-LOA-19950929-00145
	)	through 00148
	)	157-SAT-P/LA-96(72)
	)	SAT-LOA-19960904-00111
	)	29-SAT-AMEND-97
	)	SAT-AMD-19961204-00141
	)	94 through 98-SAT-P/LA-97
	)	SAT-LOA-19970715-00060
	)	through 00064
	)	79-SAT-P/LA-97(63)
	)	SAT-LOA-19970613-00053
	)	SAT-AMD-19980729-00067
)	
NetSat 28 Company, LLC	)	File Nos. 194-SAT-P/LA-95
	)	SAT-LOA-19950929-00150
	)	SAT-T/C-19990727

PanAmSat Corporation	)	File Nos. 00198/00199-SAT-LOA-95
	)	SAT-LOA-19950929-00155/00154
	)	00202-SAT-AMEND-95
	)	SAT-AMD-19950929-00109
	)	SAT-MOD-19980521-00070
)	
Teledesic LLC	)	File Nos. 22-DSS-P/LA-94
	)	SAT-LOA-19940321-00012
	)	43-SAT-AMEND-95
	)	SAT-AMD-19941230-00099
	)	127-SAT-AMEND-95
	)	SAT-AMD-19950713-00086
	)	195-SAT-ML-97
	)	SAT-MOD-19970926-00155
)	
VisionStar, Inc.	)	File Nos. 200-SAT-P/LA-95
	)	SAT-LOA-19950929-00156
	)	SAT-T/C-20001215-00163
)	
)	
WB Holdings 1 LLC	)	File Nos. 128-SAT-P/LA-95
	)	SAT-LOA-19950712-00085
	)	203-SAT-P/LA-95
	)	SAT-LOA-19950928-00108
	)	SAT-T/C-19990629-00071/00072
)	

To: The Chief, International Bureau

Motion for Stay of First-Round Licensing Matters

Pegasus Development Corporation (“Pegasus”), by its attorneys, and pursuant to Section 1.43 of the Commission’s rules, hereby moves for a stay of all first-round licensing matters¹ pertaining to the GSO Ka-band orbital spectrum pending action on the Motion to Consolidate First and Second-Round Licensing Matters that Pegasus is simultaneously filing. That motion further describes the important public interest considerations that demand a stay of the above-

¹ Attachment A contains a list of the relevant pending matters.

referenced proceedings and consolidation of all first-round matters with the resolution of pending second-round licensing applications.

Under prevailing precedent, the Commission considers four factors in determining whether to grant a request for a stay: whether (1) the movant has a substantial likelihood of succeeding on the merits; (2) whether the movant would suffer irreparable harm absent a stay; (3) whether grant of a stay would not substantially harm others; and (4) whether the stay would be in the public interest. *See Washington Metropolitan Transit Comm. v. Holiday Tours, Inc.*, 559 F.2d 841, 842-43 (D.C.Cir. 1977) (hereinafter “*WMATC*”). However, the necessary showing to establish a likelihood of success on the merits is governed by the “balance of equities as revealed through examination of the other factors.” *Id.* at 844.

This Motion meets the test set forth in *WMATC*. First and foremost, a stay of the first-round licensing matters and consolidation of those matters with the second round will clearly serve the public interest. The Commission has to act quickly to prevent the lapse of the United States international rights to the Ka-band spectrum. To date, the record evidences four years of unresolved licensing matters involving the first and second rounds. If the Commission does not act quickly and enforce the rigorous timetables it originally proposed, the United States will lose its opportunity to use valuable spectrum. Therefore, a stay of all first-round matters and consolidation of those matters with the second round in order to resolve all pending licensing matters is the only efficient and reasonable approach.²

² *See Separate Statement of Commissioner Gloria Tristani In the Matter of Cumulus Licensing Corp (Assignor) and Clear Channel Broadcasting Licenses, Inc. (Assignee), FCC No. 00-391* observing with respect to a stay request that “[m]eaningful allegations that the public interest is not served by Commission action should cause a lightening of the burden on the petitioner similar to the lesser burden on government agencies seeking injunctions to protect the public interest.”

Second, grant of a stay will not substantially harm others. In fact, consolidation and prompt resolution of all outstanding matters affecting the first and second rounds will benefit all parties because it will more quickly resolve competing claims. On the other hand, dealing with first-round matters on a piecemeal basis will lead to more litigation, more delay in providing Ka-band service and more difficulties in determining second round matters.

Third, Pegasus (and other second-round applicants) will suffer irreparable harm if a stay of first-round matters is not granted. As set forth in the Motion to Consolidate, the first-round matters involve key CONUS orbital locations whose immediate availability is critical to the successful resolution of the second-round licensing process. A piecemeal approach, in which the Commission resolves first-round matters before it fully understands how it will resolve the second-round licensing process is likely to lead to overall delay. Such delay will doom the ability of second-round applicants to be licensed in time to bring their satellites into use by the relevant International Telecommunications Union deadlines. Satellite construction and launch requires several years of lead time, such that the second-round must be resolved very soon. Continued delay in Commission action to enforce the milestones on these first-round applications means that Pegasus and other second round applicants cannot obtain licenses, and by the time there is action, the spectrum could be lost.

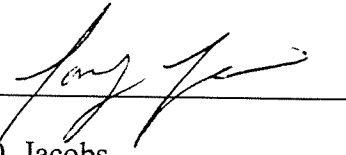
Finally, Pegasus has a substantial likelihood of succeeding on the merits of its Motion to Consolidate because consolidation is the only practical and sensible approach to resolving the matter of preventing warehousing and trafficking of spectrum by first-round licensees and providing the public with advanced digital services through the Ka-band orbital slots.

Accordingly, for the reasons set forth herein and in the Motion to Consolidate, Pegasus Development Corporation respectfully requests the Commission to stay all first-round licensing matters and consolidate them with the pending second-round applications.

Respectfully submitted,

PEGASUS DEVELOPMENT CORPORATION

By: _____



Bruce D. Jacobs
Kathryn R. Schmeltzer
Dawn Sciarrino
Tony Lin

Its Attorneys

Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037-1128
(202) 663-800

Dated: March 26, 2001

Attachment A

First Round Ka-Band Licensees: Pending Applications and Matters

Applicant	Relevant File Numbers	Outstanding Licensing Matters
EchoStar	167/168-SAT-P/LA-95 54-SAT-AMEND-96 SAT-MOD-20000222-00061/62	Reconsideration of ISL Order Application for Modification of License (additional up & downlink)
Hughes	3 and 4-DSS-P/LA-94 174 through 179-SAT-P/LA-95	Reconsideration of ISL Order
Loral Space & Communications (Orion)	195 through 197-SAT-P/LA-95 204-SAT-ML-95 SAT-MOD-19991101-00108	Application for Modification of License (89° W.L.) Assignment of Orbital Slot 93° W.L.
Morning Star	190 through 193-SAT-P/LA-95	Application for Review of Revocation Order
Motorola	163 through 166-SAT-P/LA-95 201-SAT-MISC-95	Reconsideration of ISL Order Request for Dismissal
NetSat	194-SAT-P/LA-95 SAT-T/C-19990727-00080 SAT-WAV-20001215-00164	Application for Review of Revocation Order Petition for Waiver of Milestones Emergency Motion for Stay of Revocation Order Transfer of Control
PanAmSat	180/181-SAT-P/LA-95 00009-SAT-P/LA-96 SAT-LOA-19950929-00130/31 SAT-LOA-19950929-00204 through 00208	Reconsideration of ISL Order Application for Review of Revocation Order Assignment of Orbital Slot 103° W.L.

First Round Ka-Band Licensees: Pending Applications and Matters

Applicant	Relevant File Numbers	Outstanding Licensing Matters
VisionStar	200-SAT-P/LA-95 SAT-T/C-20001215-00163	Reconsideration of Downlink Order Application for Transfer of Control
Wildblue	128-SAT-P/LA-95 203-SAT-P/LA-95	Reconsideration of ISL Order Reconsideration of Transfer of Control

Second Round Ka-Band Licensees: Pending Applications and Matters

Applicant	Relevant File Numbers	Outstanding Licensing Matters
Motorola (Celestri)	94 through 98-SAT-P/LA-97	
PanAmSat	52 through 57-SAT-P/LA-98	
PCG	33 and 34-SAT-LOI-98	
Pegasus	94 through 98-SAT-P/LA-98	
Skybridge	58-SAT-P/LA-98	
TRW	112 through 116-SAT-P/LA-97 60 and 61-SAT-AMEND-98 62-SAT-WAIV-98	

CERTIFICATE OF SERVICE

I, Vetlyn Victor, a secretary with the law firm Shaw Pittman, hereby certify that a true and correct copy of the foregoing Motion to Stay was sent by first-class mail, postage prepaid, this 26th day of March 2001, to the following:

*The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 Twelfth Street, S.W., Room 8-B201
Washington, D.C. 20554

*Commissioner Susan Ness
Federal Communications Commission
445 Twelfth Street, S.W., Room 8-B115
Washington, D.C. 20554

*Commissioner Gloria Tristani
Federal Communications Commission
445 Twelfth Street, S.W., Room 8-C302
Washington, D.C. 20554

*Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 Twelfth Street, S.W., Room 8-A302
Washington, D.C. 20554

*Peter A. Tenhula
Senior Legal Advisor to Chairman Powell
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Mark Schneider
Senior Legal Advisor to Commissioner Ness
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Bryan Tramont
Senior Legal Advisor to Commissioner
Furchtgott-Roth
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*William J. Friedman IV
Senior Legal Advisor to Commissioner
Tristani
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Donald Abelson
Chief, International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Thomas S. Tycz
Chief, Satellite and Radiocommunications
Division, International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Fern Jarmulnek
Chief, Satellite Policy Branch
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Alyssa Roberts
Satellite Policy Branch, International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Jennifer Gilsenan
Satellite Policy Branch, International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Selina Khan
Satellite Policy Branch, International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

*Cassandra Thomas
Deputy Chief
Satellite and Radiocommunications Division,
International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Gary M. Epstein
John P. Janka
Arthur S. Landerholm
Latham & Watkins
1001 Pennsylvania Ave., N.W.
Suite 1300
Washington, D.C. 20004
Counsel for Hughes Communications, Inc.

William M. Wiltshire
Harris, Wiltshire & Grannis LLP
1200 Eighteenth Street, N.W.
Suite 1200
Washington, D.C. 20036
Counsel for Wildblue Communications, Inc.

David M. Brown
General Counsel
Wildblue Communications, Inc.
4600 Syracuse Street, Suite 500
Denver, CO 80237

Joseph A. Godles
W. Kenneth Ferree
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, D.C. 20036
Counsel for PanAmSat Corporation

Peter A. Rohrbach
Karis A. Hastings
Yaron Don
Hogan & Hartson LLP
Columbia Square
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
Counsel for GE Americom

Pantelis Michalopoulos
Rhonda Rivens Bolton
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795
Counsel for EchoStar VisionStar Corporation

Philip L. Malet
James M. Talens
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795
Counsel for Motorola Corporation

Mark A. Grannis
Jonathan B. Mirsky
Fred B. Campbell
Harris, Wiltshire & Grannis LLP
1200 Eighteenth Street, N.W.
Suite 1200
Washington, D.C. 20036
Counsel for Teledesic LLC

Michael R. Gardner, P.C.
The Law Offices of Michael R. Gardner, P.C.
Attorneys at Law
1150 Connecticut Avenue, N.W.
Suite 710
Washington, D.C. 20036
Counsel for VisionStar Corporation

Raymond G. Bender, Jr.
Carlos M. Nalda
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036
Counsel for Astrolink International LLC

Norman P. Leventhal
Stephen D. Baruch
David S. Keir
Leventhal, Senter & Lerman PLLC
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006
Counsel for TRW, Inc.

Robert A. Mazer
Albert Shuldiner
Vinson & Elkins LLP
1455 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20004-1008
Counsel for NetSat 28 Company, LLC

Stephen R. Bell
Jennifer D. McCarthy
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036-3384
Counsel for Loral Space & Communications

James U. Troup
Brian D. Robinson
Arter & Hadden LLP
1801 K Street, N.W.
Suite 400K
Washington, D.C. 20036
Counsel for CAI Data Systems, Inc.

William D. Wallace
Crowell & Moring, LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Counsel for Globalstar, L.P.

Tara K. Guinta
Coudert Brothers
Attorneys at Law
1627 I Street, N.W.
Washington, D.C. 20006-4007
Counsel for Pacific Century Group, Inc.

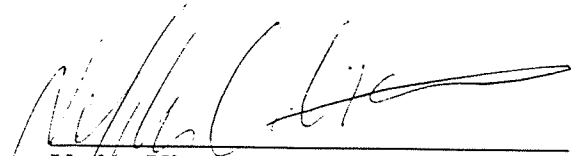
Brian D. Weimer
Skadden Arps Slate Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005
Counsel for Celsat America, Inc.

Todd M. Stansbury
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Counsel for DirectCom Networks, Inc.

Lauren J. Blevin
Wilkinson, Barker & Knauer, LLP
2300 N Street, N.W.
Suite 700
Washington, D.C. 20037
Counsel for Lockheed Martin Corporation

Gerald Musarra
Vice President
Trade & Regulatory Affairs
Lockheed Martin Corporation
Crystal Square 2
Suite 403
1725 Jefferson Davis Highway
Arlington, VA 22202

Francis L. Young
Young & Jatlow
2300 N Street, N.W.
Suite 600
Washington, D.C. 20037
Counsel for Morning Star Satellite Company, LLC



Veflyn Victor

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