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

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

PamAmSat 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 I 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

**TELEDESIC LLC'S OPPOSITION TO PEGASUS'S
MOTION FOR STAY OF FIRST-ROUND LICENSING MATTERS**

Teledesic LLC submits this opposition to the motion for stay filed by Pegasus Development Corporation on March 26, 2001. The motion seeks to stay all first-round licensing matters pertaining to the GSO Ka-band orbital spectrum, pending action on the related motion by Pegasus to consolidate the first and second GSO Ka-band satellite processing rounds. These motions are yet another attempt by Pegasus to use the regulatory process to expropriate first-round orbital slots. Moreover, the motion for stay can only delay rather than expedite the Commission's licensing proceedings. The motion for stay should therefore be summarily dismissed.

DISCUSSION

I. **THERE IS NO LIKELIHOOD WHATSOEVER THAT PEGASUS WILL SUCCEED ON THE MERITS.**

The first question in evaluating Pegasus's motion is to consider whether there is a substantial likelihood that Pegasus will succeed on the merits, or in other words, be successful in consolidating the first and second rounds. The answer is a resounding "No." First, the relief Pegasus seeks is entirely unprecedented, and flies in the face of long-standing satellite licensing procedures. Processing rounds, which are defined by their applicable cut-off dates, are designed to permit the Commission to define the class of applications it must deal with before resolving any of them. This process evolved in response to the Supreme Court's decision in *Ashbacker*.¹ The processing round system has many drawbacks, but in general the problems result from having *too many* issues to resolve concurrently; the rounds are overinclusive rather than underinclusive. Processing rounds will not provide the necessary procedural regularity if an applicant that is dissatisfied with the orbital slots available in its round can simply insert itself into an earlier round via a "motion to consolidate." The mere availability of such relief—which granting the stay would necessarily provide by indicating there is a substantial likelihood that Pegasus will prevail on the merits—would throw satellite processing rounds into utter chaos, especially here, where the first round is complete and satellites are already under construction.

Second, there is no justification whatsoever for consolidating the first and second rounds. It is ludicrous to suggest, as does Pegasus, that consolidating the Ka-band rounds will somehow speed up the resolution of Ka-band licensing matters. Indeed, one of the principal drawbacks of the entire processing round regime is that it requires the Commission to address all matters within the round – the easy ones as well as the hard ones – at the same time, rather

III. GRANTING THE STAY WOULD HARM FIRST ROUND LICENSEES.

Pegasus blithely concludes that granting the stay would not harm others because consolidation would promote prompt resolution of outstanding matters. But, Pegasus provides no explanation as to how a stay would speed up these matters or how continuing to resolve first round licensing matters while its motion for consolidation is pending will cause delay. The lack of explanation may be due to the fact that there is none – it is axiomatic that the stay will delay all matters affecting first round applicants, and that an unnecessary delay will harm first round licensees. Indeed, the mere filing of this frivolous motion for stay will tie up additional Commission resources, and may delay resolution of pending first round matters. Unfortunately, that may be the whole point of this sordid affair.

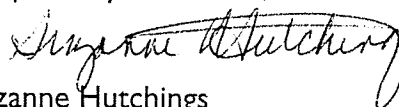
IV. A STAY IS NOT IN THE PUBLIC INTEREST.

Pegasus's public interest argument is, like its other arguments, based on alleged delays in the first and second processing rounds, and fails for the reasons set forth above.

CONCLUSION

Pegasus has failed to show any grounds for granting a stay. Its motion should therefore be denied.

Respectfully submitted,



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Dated: April 4, 2001

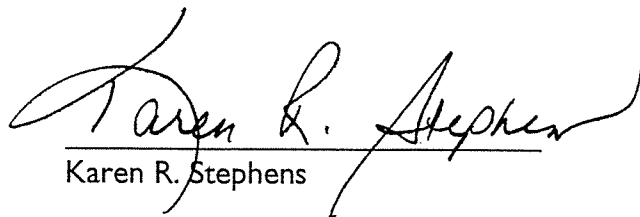
CERTIFICATE OF SERVICE

I, Karen R. Stephens, do hereby certify that copies of the foregoing pleading have been sent by first class mail on this 4th day of April 2001, to the following:

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