

# ShawPittman

A Law Partnership Including Professional Corporations

Tony Lin  
202.663.8452  
tony.lin@shawpittman.com

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 12, 2001

By Courier

Ms. Magalie R. Salas  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Counter TW-A325  
Washington, D.C. 20554

Received

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174-178-SET-P/LA 95

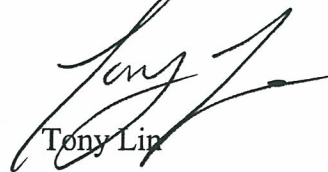
**Re: File Nos. SAT-LOA-19950929-00040 to 00044, SAT-LOA-19950502-00068, SAT-LOA-19950929-00118 to 00119, SAT-LOA-19950929-00132 to 00136, SAT-LOA-19950929-00125 to 00129, SAT-LOA-19950929-00151 to 00153, SAT-LOA-19950929-00145 to 00148, SAT-ASG-20010109-00005, SAT-LOA-19950929-00150, SAT-T/C-19990727-00080, SAT-LOA-19950929-00130 to 131, SAT-LOA-19950929-00156, SAT-T/C-20001215-00163, SAT-LOA-19950712-00085**

Dear Ms. Salas:

Pegasus Development Corporation hereby submits the attached letter for inclusion in the public record for the above-captioned file numbers. An original and 28 copies are included.

Please direct any questions concerning this submission to the undersigned.

Very truly yours,



Tony Lin

Enclosure

# ShawPittman

*A Law Partnership Including Professional Corporations*

BRUCE D. JACOBS  
202.454.7077  
bruce.jacobs@shawpittman.com

June 12, 2001

RECEIVED

JUN 12 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

## By Courier and Electronic Mail

Thomas S. Tycz  
Chief, Satellite and Radiocommunication Division  
International Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: Ka-band GSO Licensing

Dear Mr. Tycz:

The recent Bureau inquiries regarding the proposed transfers of several first-round licensees are a positive step that will facilitate deployment of Ka-band satellite services to American consumers, especially those in rural areas. Pegasus Development Corporation urges the Bureau, however, to go further and (i) accelerate the January 2002 milestones to July 2001; (ii) investigate the ability of licensees to meet launch milestones of May 2002; and (iii) require those selling their first-round licenses to demonstrate that they have not previously abandoned any legitimate effort to develop their own systems.

The unfortunate reality is that reliance solely on current milestones will not prevent warehousing. By the time these milestones have lapsed, it will be too late for the FCC to license new entrants and for those new licensees to deploy their own satellites prior to the ITU deadlines. The attached chart shows the milestones that currently apply. For most first-round licensees, the next milestones that apply are those in January 2002 for commencement of construction of their first satellite. For those licensed to operate at multiple orbital locations, in some cases no milestones apply regarding certain prime CONUS orbital locations until January 2003. Pegasus therefore urges the Bureau to accelerate to July 2001 the milestones for commencement of construction of satellites for all CONUS orbital locations. If the licensees are unable to show that they are committed to construction of these satellites by this summer, over four years after receiving licenses and fewer than four years from the expiration of United States ITU priority, those prime CONUS orbital locations should be made available for new entrants.


The Bureau also should ask tough questions of those licensees whose milestones for completion of construction and launch are sufficiently close that there should be clear

Thomas S. Tycz  
Chief, Satellite and Radiocommunication Division  
June 12, 2001  
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evidence whether they will be able to meet the deadlines. If it is clear that they will not meet those milestones, those orbital resources can be assigned to new entrants. In particular, Loral Space and Communications Corporation and VisionStar, Inc. face completion of construction and launch milestones of April 2002 and May 2002, respectively. The Bureau should ask these licensees whether they expect to meet these milestones and, if so, to provide progress reports from the satellite manufacturer and contracts with the launch service provider that support that expectation.

Pegasus also proposes that, in addition to the questions related to trafficking that the Bureau recently asked of NetSat, VisionStar, and Motorola, the Bureau ask all these parties proposing to sell their first-round licenses to demonstrate that they had not abandoned any of their own plans to develop their licensed Ka-band GSO systems. Commission precedent requires the denial of an assignment where the satellite licensee has abandoned its license and has not developed its system. *See American Telephone and Telegraph Company and Ford Aerospace Satellite Services Corporation*, 2 FCC Rcd 4431 (1987). The proposed transferors should be asked to describe the full scope of the work they have undertaken to date in connection with the development of their licensed systems. This should include identifying the transferor's employees and contractors who have been working on the projects, including their responsibilities, the amount of time they dedicated to the projects over what period of time, and the party providing their compensation. Providing this information will help create a complete record on which the Commission can make informed decisions.

Very truly yours,



Bruce D. Jacobs

cc: attached service list

### First Round Ka Band Licenses: Milestone Schedules

Licensee	Construction Commencement	Construction Completion	Launch and Operate
Astrolink <sup>1</sup>	1 <sup>st</sup> Satellite: January 2002 Remaining: January 2003		97° W.L. June 25 2005 21.5° W.L. July 9 2005 2° E.L. July 9 2005 130° E.L. July 23 2005 172.25° E.L. October 10 2004
Cyberstar <sup>2</sup>	1 <sup>st</sup> Satellite: January 2002 Remaining: January 2003		115° W.L. June 25 2005 93° W.L. June 25, 2005 105.5° E.L. July 16 2005
EchoStar <sup>3</sup>	1 <sup>st</sup> Satellite: January 2002 Remaining: January 2003		121° W.L. June 25 2005 83° W.L. June 25 2005
GE Americom <sup>4</sup>	1 <sup>st</sup> Satellite: May 1998 Remaining: May 1999	105° W.L. May 2005 85° W.L. May 2005 17° W.L. June 2005 56° E.L. June 2005 114.5° E.L. June 2005	105° W.L. June 25 2005 85° W.L. June 25 2005 17° W.L. July 2 2005 56° E.L. July 2 2005 114.5° E.L. July 16 2005
Loral <sup>5</sup>	Orion F7: May 1998 Orion F8: May 1999 Orion F9: May 1999  Orion F2 <sup>6</sup> : May 1998	89° W.L. April 2002 81° W.L. April 2002 78° E.L. April 2002  47° W.L. April 2002	89° W.L. May 2002 81° W.L. May 2002 78° E.L. May 2002  47° W.L. May 2002
Morning Star <sup>7</sup>	1 <sup>st</sup> Satellite: May 1998  1 <sup>st</sup> Satellite at remaining orbital locations: May 1999	N/A	N/A

<sup>1</sup> Lockheed Martin Corporation, Order and Authorization, 12 FCC Rcd 23014 (Int'l Bur. 1997), modified by Astrolink International LLC, Order and Authorization, 2001 FCC LEXIS 639 (January 31, 2001).

<sup>2</sup> Loral Space and Communications Ltd., Order and Authorization, 13 FCC Rcd 1379 (Int'l Bur. 1997), modified by Cyberstar Licensee LLC, Order and Authorization, 2001 FCC LEXIS 641 (January 31, 2001).

<sup>3</sup> EchoStar Corporation, Order and Authorization, 13 FCC Rcd 5664 (Int'l Bur. 1997), modified by EchoStar Satellite Corporation, Order and Authorization, 2001 FCC LEXIS 642 (January 31, 2001).

<sup>4</sup> GE Americom Communications Galaxy Inc., Order and Authorization, 12 FCC Rcd 6475 (Int'l Bur. 1997), modified by GE American Communications, Inc., Order and Authorization, DA 01-1286 (May 25, 2001) (granting milestone extensions).

<sup>5</sup> Orion Network Systems, Inc., Order and Authorization, 12 FCC Rcd 23027 (Int'l Bur. 1997).

<sup>6</sup> Orion Atlantic, L.P., Order and Authorization, 13 FCC Rcd 1416 (Int'l Bur. 1997).

<sup>7</sup> Morning Star Satellite Company, L.L.C., Order and Authorization, 12 FCC Rcd 6039 (Int'l Bur. 1997); Morning Star Satellite Company, L.L.C., Memorandum Opinion and Order, 15 FCC Rcd 11350 (2000) (revoking licenses).

Licensee	Construction Commencement	Construction Completion	Launch and Operate
Motorola <sup>8</sup>	1 <sup>st</sup> Satellite: January 2002 Remaining: January 2003		91° W.L. June 25 2005 87° W.L. June 25 2005 77° W.L. June 25 2005 75° E.L. June 25 2005
NetSat <sup>9</sup>	Waived	95° W.L. August 2003	95° W.L. September 2003
PanAmSat <sup>10</sup>	1 <sup>st</sup> Satellite: January 2002 Remaining: January 2003		36° E.L. July 2 2005 40° E.L. July 2 2005 48° E.L. July 2 2005 124.5° E.L. July 16 2005 149° E.L. July 23 2005 173° E.L. July 23 2005 103° E.L. June 25 2005
Teledesic <sup>11</sup> (NGSO FSS licensee)	1 <sup>st</sup> 2 Satellites: January 2002 Remaining: January 2004	1 <sup>st</sup> 2 Satellites: January 2004	1 <sup>st</sup> Satellite: September 26 2004 Remaining: January 2007
WB Holdings <sup>12</sup>	1 <sup>st</sup> Satellite: January 2002 Remaining: January 2003		109.2° W.L. June 25 2005 73° W.L. October 7 2006

<sup>8</sup> *Comm, Inc.*, Order and Authorization, 12 FCC Rcd 23001 (Int'l Bur. 1997), modified by *Motorola, Inc.*, Order and Authorization, 2001 FCC LEXIS 640 (January 31, 2001).

<sup>9</sup> *NetSat 28 Company, L.L.C.*, Order and Authorization, 13 FCC Rcd 1392 (Int'l Bur. 1997); *NetSat 28 Company, L.L.C.*, Memorandum Opinion and Order, DA 01-1284 (May 25, 2001) (waiving commencement milestone).

<sup>10</sup> *Hughes Communication Galaxy, Inc.*, Order and Authorization, 13 FCC Rcd. 1351 (Int'l Bur. 1997), modified by *PanAmSat Corporation*, Order and Authorization, 2001 FCC LEXIS 645 (January 31, 2001).

<sup>11</sup> *Teledesic LLC*, Order and Authorization, 12 FCC Rcd. 3154 (Int'l Bur. 1997), modified by Order and Authorization, 14 FCC Rcd 2261 (Int'l Bur. 1999); *Teledesic LLC*, Order and Authorization, 2001 FCC LEXIS 646 (January 31, 2001).

<sup>12</sup> *KaStar Satellite Communications Corporation*, Order and Authorization, 13 FCC Rcd 1366 (Int'l Bur. 1997), modified by *WB Holdings LLC*, Order and Authorization, 2001 FCC LEXIS 648 (January 31, 2001).

## Service List

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

\*Commissioner Michael J. Copps  
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 Kathleen Q. Abernathy  
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

\*Jordan Goldstein  
Senior Legal Advisor to Commissioner Copps  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

\*Bryan Tramont  
Senior Legal Advisor to Commissioner  
Abernathy  
445 Twelfth Street, S.W.  
Washington, DC 20554

\*Adam Krinsky  
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

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

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

\*Mark Young  
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  
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 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20036-3384  
*Counsel for Loral Space & Communications*

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

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.*

Ray Bender  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Ave., N.W.  
Washington, D.C. 20036-6802  
*Counsel for Lockheed Martin Corporation*

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

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

**\*By Hand Delivery or Electronic Mail**