

# ShawPittman LLP

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July 10, 2003

By Courier

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington,, DC 20554

**Re: Pegasus Development Corporation  
Call Sign S2350  
Request for Ka-band Orbital Reassignment to 87°W**

Dear Ms. Dortch:

Pegasus Development Corporation ("Pegasus") hereby requests reassignment of its Ka-band authorization at 117°W to the 87°W orbital location.<sup>1</sup> On August 3, 2001, the International Bureau released an order assigning orbital locations to Geostationary Orbit Fixed-Satellite Service applicants in the second Ka-band processing round.<sup>2</sup> In the order, the Bureau noted that there were a number of outstanding transfer of control applications involving first-round licensees and that "[t]o the extent that any orbit locations become available for reassignment as a result of Commission action on these transfer applications, we will make these orbital locations available to all Ka-band licensees before considering new applications for these locations." *See Second Round Order*, at ¶29. Subsequently, the Bureau reaffirmed this conclusion in granting several unopposed requests for reassignment.<sup>3</sup>

On September 4, 2002, the Bureau denied the milestone extension request of Motorola, Inc. and declared null and void its Ka-band license for failure to meet the

<sup>1</sup> See *Pegasus Development Corporation*, 16 FCC Rcd 14378 (2001). Pegasus currently holds Ka-band authorizations for the 117°W and 107°W orbital locations.

<sup>2</sup> See *Second Round Assignment of Geostationary Satellite Orbit Locations to Fixed Satellite Service Space Stations in the Ka-band*, 16 FCC Rcd 14389 (2001) ("*Second Round Order*").

<sup>3</sup> See *Second Round Assignment of Geostationary Satellite Orbit Locations to Fixed Satellite Service Space Stations in the Ka-band*, 17 FCC Rcd 14400, at ¶3 (2002).

**DUPLICATE**

S2350 SAT-LOA-19980403-00025  
Pegasus Development Corporation  
S2350

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construction commencement milestone.<sup>4</sup> As a result, the 91°W, 87°W, 77°W, and 75°W orbital locations are available for reassignment.

Pegasus currently markets to consumers DBS services provided on the DirecTV platform. As a result, Pegasus' customers have satellite dishes directed at the 101°W orbital location. To provide data services and supplemental local broadcast stations via a single, small dish to its customers that do not receive such services via the DIRECTV platform, Pegasus needs to have satellites within 14 degrees of 101°W. The 117°W orbital location does not satisfy this requirement. Because Pegasus is proposing reassignment of an orbital location already in the CONUS arc, the instant request does not change the basic structure of the second-round assignment plan or implicate the Commission's new entrant policy. *See Second Round Order*, at ¶¶18-20.

For these reasons, Pegasus requests that the Bureau reassign the 87°W orbital location to Pegasus in lieu of its authorized 117°W orbital location. Please contact either of the undersigned if you should have any questions regarding this matter.

Very truly yours,



Bruce D. Jacobs  
Tony Lin  
*Counsel for Pegasus Development  
Corporation*

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<sup>4</sup> *See Application of Motorola, Inc. and Teledesic, LLC*, 17 FCC Rcd 16543, ¶ 1 (2002). The Bureau also dismissed, as moot, the application for assignment of its Ka-band license to Teledesic LLC.

## Certificate of Service

I, Joanne Lee, a secretary in the law firm of Shaw Pittman LLP, hereby certify that on this 10th day of July, 2003 a copy of the foregoing letter was sent by first-class mail, postage prepaid, to the following:

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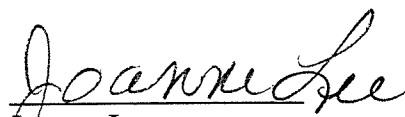
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