

Question 36, FCC Form 312 - Explanation of Circumstances Surrounding the Dismissal of Application

Question 36 under the Basic Qualifications section of the Form 312 requires an applicant to provide an explanation of the circumstances if it has “had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission.”

On July 3, 2002, Rainbow DBS LLC (“Rainbow DBS”)^{1/} applied for a modification of its existing authorization for a direct broadcast satellite to add channels 23 and 24 at the 61.5° W.L. orbital location.^{2/} After determining that the channels should be assigned through auction, the International Bureau returned the Rainbow DBS application without prejudice.^{3/} The dismissal did not suggest any lack of licensee qualifications on the part of Rainbow DBS and specifically noted that Rainbow DBS “may file a FCC Form 175 short-form application for the DBS licenses in which it is interested once a short-form filing window for an auction is established.”^{4/}

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^{1/} At the time the modification application was filed, Rainbow DBS went by the corporate name “R/L DBS Company, LLC.” In July 2003, the company changed its name to Rainbow DBS LLC without any change in ownership or control.

^{2/} File No. SAT-MOD-20020703-00102.

^{3/} See Letter from Donald Abelson, Chief, International Bureau, and John Muleta, Chief, Wireless Telecommunications Bureau, to David Deitch, General Counsel and Senior Vice President, R/L DBS Company, LLC (March 3, 2003).

^{4/} *Id.*