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S2666 SAT-LOA-20050311-00061 IB200500055:
AfriSpace, Inc.
AFRISTAR-2

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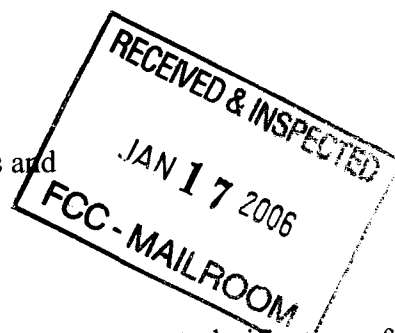
JAN 13 2006

Federal Communication Commission
Bureau / Office

January 13, 2006

Donald Abelson
Chief, International Bureau
Federal Communications Commission
445 Twelfth Street, S.W., Room 6-C750
Washington, D.C. 20554

Re: Request to Clarify Processing Rules for
Broadcast Satellite Service (sound) Applications and
Interim Application Freeze



Dear Mr. Abelson:

We write on behalf of Ondas Spain, SL (Ondas) to request a prompt clarification of the processing rules for Broadcast Satellite Service (sound) (BSS (sound)) applications tendered following the Bureau's January 3, 2006 grant of authority to AfriSpace Inc. (AfriSpace) to launch and operate a new BSS(sound) satellite, Afristar-2, at 21 degrees E.L. to serve Europe and Africa using 2.6 MHz of spectrum in the L-band (1452-1492 MHz).¹

Ondas, supported by its leading U.S. investor, Delphi Corp., is developing a competing satellite radio system for Europe in the same BSS (sound) frequency band.

As you are aware, even though the 2.3 GHz band Digital Audio Radio Satellite (DARS) service was excluded from the new processing rules adopted in the First Space Station Licensing Reform Order², in a case of first impression, the Bureau applied those rules to the AfriSpace BSS satellite and classified it as a non-geostationary orbit (NGSO)-like satellite. On its own motion, the Bureau then waived the modified processing round procedures applicable to such applications under Section 25.157 of the Rules and granted AfriSpace's application. When a NGSO-like application is filed, Section 25.157 ordinarily requires the Bureau to issue a public notice to invite competing applications and to consider them concurrently.

¹ Afrispac, Inc., Order and Authorization, DA-06-4, released January 3, 2006 ("Afristar-2 Order").

² See Amendment of the Commission's Space Station Licensing Rules and Policies, First Report and Order and Further Notice of Proposed Rulemaking, IB Docket No. 02-34, 18 FCC Rcd 10760, 10764 (Para. 3, n.4) (2003) (First Space Station Licensing Reform Order).

The Afristar-2 Order also states that if AfriSpace wishes to operate Afristar-2 on any other spectrum in the 1452-1492 MHz band, it must file a modification application to do so³. However, the Bureau did not state how any such application would be treated under the Commission's Rules.

It is our view that any new satellite license application or license modification application seeking BSS (sound) service spectrum in the 1452-1492 MHz band must be treated as a NGSO-like satellite application and subject to the modified processing procedures contained in Section 25.157 of the Rules. Pursuant to this provision, we also think that if any such license or license modification application for spectrum in this band were to be docketed, the Bureau must first determine if the application is acceptable for filing and, if so, the application must be placed on public notice as a "lead application". Said public notice would initiate a processing round, establish a cut-off date for competing NGSO-like satellite applications, and provide interested parties an opportunity to file responsive pleadings regarding the application pursuant to Section 25.154 of the Rules. Consistent with the foregoing, we think that it would be inappropriate for the Bureau, on its own motion or in response to the request of an applicant, to waive Section 25.157 of the Rules in order to grant the application absent the issuance of such a public notice and without soliciting competing applications (i.e., to issue a grant on a first-come, first-served basis).

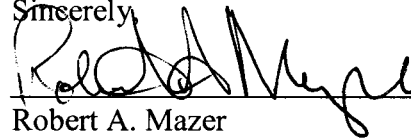
We would be grateful if you would confirm that our view of the applicable BSS(sound) satellite application procedures going forward accords with that of the Bureau and, if not, advise us in what respect the Bureau has a different view and the reasons therefore.

Finally, given the uncertainty as to applicable processing rules regarding future BSS (sound) applications in the L-band (i.e., whether the NGSO-like processing rules will be uniformly applied), we believe that the public interest requires the adoption of an interim processing freeze on all such applications and request that the Bureau implement such a freeze forthwith. By declining to accept such applications until the processing rules have been clarified, the Bureau will permit all interested parties to have the same opportunity to tender acceptable applications in the future and will not be viewed as favoring any particular applicant or class of applicants.

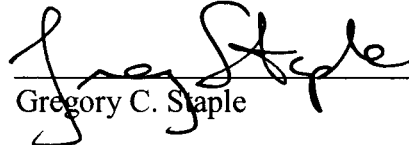
³ See Afristar-2 Order, Para. 16.

We are also prepared to augment the foregoing by filing a formal request for a declaratory ruling and such other petitions as may be appropriate. We look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Mazer", written over a horizontal line.

Robert A. Mazer

A handwritten signature in black ink, appearing to read "Gregory C. Staple", written over a horizontal line.

Gregory C. Staple

cc: Cassandra Thomas
Fern Jarmulnek
Gardner Foster
Robert Nelson
Jim Ball