

Pegasus@ 91. W.L.

Approved by OMB
3060-0678

Call Sign: S2698
IBFS Nos.
SAT-LOA-20060412-00042
SAT-AMD-20080114-00025
SAT-AMD-20080118-00029

Date & Time Filed: Apr 12 2006 1:59:17:103PM
File Number: SAT-LOA-20060412-00042
Callsign/Satellite ID: S2698

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY

FCC Use Only

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Resubmitted KA-BSS satellite application for 91W

1-8. Legal Name of Applicant

Name:	Pegasus Development DBS Corporation	Phone Number:	610-934-7000
DBA Name:		Fax Number:	610-934-7072
Street:	225 City Line Avenue Suite 200	E-Mail:	
City:	Bala Cynwyd	State:	PA
Country:	USA	Zipcode:	19004
Attention:	Scott A Blank		

File #



Call Sign S2698 Grant Date 7/28/09

(or other identifier)

Term Dates

From _____ To: See conditions

Approved: [Signature]

Chief, Satellite Division

with conditions

Pegasus Development DBS Corporation
Attachment – Conditions to Authorization
IBFS File Nos. SAT-LOA-20060412-00042
SAT-AMD-20080114-00025
SAT-AMD-20080118-00029
Call Sign: S2698
July 28, 2009

Pegasus Development DBS Corporation's (Pegasus's) request for authority to construct, launch, and operate a 17/24 GHz Broadcasting-Satellite Service (BSS) space station at the 91° W.L. orbital location, which is an Appendix F location as set forth in the *17/24 GHz BSS Report and Order*, FCC 07-76, 22 FCC Rcd 8842 (rel. May 4, 2007), IS GRANTED.¹ Accordingly, Pegasus is authorized to operate a 17/24 GHz BSS space station at the 91° W.L. orbital location using the 17.3-17.8 GHz (space-to-Earth) and the 24.75-25.25 GHz (Earth-to-space) frequency bands, with the 17.7-17.8 GHz (space-to-Earth) frequency band limited to international service only, in accordance with the terms, conditions, and technical specifications set forth in its application, this attachment, and the Federal Communication Commission's rules.

1. Pegasus is authorized to operate its 17/24 GHz BSS space station at the 91° W.L. orbital location up to the maximum power flux density limits defined in 47 C.F.R. §§ 25.208(c) and (w), subject to the actual technical parameters in its application.
2. Pegasus shall maintain its 17/24 GHz BSS space station with an east/west longitudinal station-keeping tolerance of ± 0.05 degrees of the assigned 91° W.L. orbital location.
3. Pegasus, when designing its system, is reminded to take into consideration the geographic service requirements of Section 25.225 of the Commission's rules. 47 C.F.R. § 25.225.
4. *Division of Spectrum at the 91° W.L. Appendix F Orbital Location.*² Grant of this application is subject to the provisions regarding division of spectrum contained in Section 25.158(d) of the Commission's rules. Accordingly, in the event that applications relating to Call Sign S2662 are also granted, the available bandwidth at the 91° W.L. Appendix F orbital location will be evenly divided among the licensees at this location. The following procedures apply to the selection of spectrum by Pegasus:

¹ The application was placed on Public Notice as accepted for filing on July 2, 2008. Policy Branch Information, Satellite Space Applications Accepted for Filing, *Public Notice*, Report No. SAT-00535 (rel. July 2, 2008); Policy Branch Information, Satellite Space Applications Accepted for Filing, *Public Notice*, Report No. SAT-00537 (rel. July 11, 2008) (corrections). Comments were filed by Ciel Satellite Limited Partnership (Ciel), Pegasus, and SES Americom Inc. (SES) on August 1, 2008. No petitions to deny were filed against this application. In a comment filed on all pending 17/24 GHz BSS applications, including its own applications, Pegasus sought a "clarification" regarding Commission policies relating to 47 C.F.R. §§ 25.158(c) (prohibition on transfer of place in application queue) and 25.165 (bond requirement). The issues raised by Pegasus are not relevant to the processing of this application but, instead, relate to a request to assign an application to Pegasus from DIRECTV Enterprises, LLC (DIRECTV). IBFS File No. SAT-AMD-20080916-00188. Accordingly, we will not address Pegasus's comment in this grant.

² For the purposes of this condition, the 91° W.L. Appendix F orbital location means the precise 91° W.L. geostationary orbital location and other geostationary orbital locations offset from 91° W.L.

- a. *Ensuring Contiguous Bandwidth Selections.* Section 25.158(d)(6) requires that each licensee’s bandwidth selection shall not preclude other licensees from selecting contiguous bandwidth. To implement the selection of bandwidth at this location, operations for telemetry, tracking, and telecommand (TT&C), service-link, and feeder-link band will be as follows:
 - i. *Downlink Transmissions.* Telemetry and beacon transmissions in the space-to-Earth direction may be conducted in an 11-megahertz band segment at 17.300-17.311 GHz, an 11-megahertz band segment at 17.689-17.700 GHz, and/or a 10-megahertz band segment at 17.790-17.800 GHz. The remaining portions of the 17.3-17.8 GHz band may be used by Pegasus for service links in the space-to-Earth direction.
 - ii. *Uplink Transmissions.* Telecommand transmissions in the Earth-to-space direction may be conducted in an 11-megahertz band segment at 24.750-24.761 GHz, an 11-megahertz band segment at 25.139-25.150 GHz, and/or a 10-megahertz band segment at 25.240-25.250 GHz. On our own motion, we grant a limited waiver of § 25.202(g) of the Commission’s rules, 47 C.F.R. § 25.202(g), to permit TT&C operations in the 25.139-25.150 GHz band segment. Section 25.202(g) requires that “telemetry, tracking and telecommand functions for U.S. domestic satellites shall be conducted at either or both edges of the allocated band(s).” The allocated uplink band for this service is the 24.75-25.25 GHz band. The 25.139-25.150 GHz uplink band segment is a necessary counterpart to the 17.689-17.700 GHz downlink band segment. We grant this limited waiver to allow productive use of the 25.139-25.150 GHz uplink band segment that would otherwise be unused. This waiver only applies to use of the 25.139-25.150 GHz uplink band segment at the 91° W.L. Appendix F orbital location. The remaining portions of the 24.75-25.25 GHz band may be used by Pegasus for feeder links in the Earth-to-space direction.
- b. *Selection Process.* Pegasus may select its particular band segments (“Selected Assignments”) no earlier than 60 days before plans to launch its satellite, and no later than 30 days before its plans to launch its satellite, by submitting a letter to the Secretary of the Commission. Pegasus shall serve copies of this letter to the other 17/24 GHz BSS Licensee at the 91° W.L. Appendix F orbital location. See 47 C.F.R. § 1.47.
 - i. *Selection of Downlink TT&C.* Pegasus may make up to two telemetry and/or beacon downlink frequency channel selections in the 17.3-17.7 GHz TT&C band segments with a bandwidth of one megahertz each: one in the 17.300-17.311 GHz TT&C band segment, and one in the 17.689-17.700 GHz TT&C band segment. Pegasus may also make up to one telemetry and/or beacon downlink frequency channel assignment selection with a bandwidth of one megahertz and in the 17.790-17.800 GHz TT&C band segment.
 - ii. *Selection of Uplink TT&C.* In the 24.75-25.25 GHz TT&C band segments, Pegasus may make up to three telecommand uplink frequency

channel assignment selections with a bandwidth of one megahertz each: one in the 24.750-24.761 GHz TT&C band segment, one in the 25.139-25.150 GHz TT&C band segment, and one in the 25.240-25.250 GHz TT&C band segment.

iii. *Selection of Spectrum within the 17.3-17.7 GHz band for Service-Link Operations and within the 24.75-25.15 GHz band for Feeder-Link Operations.* In the 17.3-17.7 GHz band segment, the Selected Assignment shall give Pegasus access to $1/m$ of the quantity of spectrum in the band segment, for transmission on a primary basis, where “m” is the number of 17/24 GHz BSS Licensees authorized to provide service in the band segment at the 91° W.L. Appendix F orbital location at the time the Selected Assignment is chosen. In the 17.3-17.7 GHz band segment, the Selected Assignment shall be chosen such that the lower band edge of the assignment is an integer multiple of $378/m$ megahertz from the band edge of the lower TT&C band segment, at 17.311 GHz, and the upper band edge of the assignment is $378/m$ megahertz above the lower band edge of the assignment. The edges of the corresponding feeder-link Selected Assignment shall be 7450 MHz above the lower and upper band edges of the service-link Selected Assignment.

iv. *Selection of Spectrum within the 17.7-17.8 GHz band for Service-Link Operations and within the 25.15-25.25 GHz Band for Feeder-Link Operations.* In the 17.7-17.8 GHz band segment, the Selected Assignment shall give Pegasus access to $1/n$ of the quantity of spectrum in the band segment, for transmission on a primary basis, where “n” is the number of 17/24 GHz BSS Licensees authorized to provide service in the band segment at the 91° W.L. Appendix F orbital location at the time the Selected Assignment is chosen. In the 17.7-17.8 GHz band segment, the Selected Assignment shall be chosen such that the lower band edge of the assignment is an integer multiple of $90/n$ megahertz from the lower band edge at 17.7 GHz, and the upper band edge of the assignment is $90/n$ megahertz above the lower band edge of the assignment. The edges of the corresponding feeder-link band for the Selected Assignment shall be 7450 MHz above the lower and upper band edges of the Selected Assignment.

c. *Operations Within and Outside of the Selected Assignments.* Pegasus shall operate on a primary basis relative to the other 17/24 GHz BSS Licensee within its Selected Assignments. Pegasus may also operate in other portions of the 17.3-17.7 GHz, 17.7-17.8 GHz, and 24.75-25.25 GHz frequency bands outside its own Selected Assignments on a secondary basis with respect to operations of the other 17/24 GHz BSS Licensee in its respective Selected Assignments. Each 17/24 GHz BSS Licensee that launches a satellite to the 91° W.L. Appendix F orbital location shall serve a Notice of Successful Launch, by letter to the Chief, Satellite Division, International Bureau, Federal Communications Commission. Copies of the letter shall be served on the other 17/24 GHz BSS Licensee at the 91° W.L. Appendix F orbital location. Within one week of receiving written notice of a successful launch, any 17/24 GHz BSS Licensee operating at the 91° W.L. Appendix F orbital location, within the Selected Assignments of the newly

launched satellite, will be required to cease operations on such selected assignments.

5. Pegasus's authorization for a 17/24 GHz BSS space station at the 91° W.L. orbital location will be null and void with no further action on the Commission's part if the space station is not constructed, launched, and placed into operation in accordance with the technical parameters and terms and conditions of this authorization by these specified time periods following the date of authorization:
 - a. Execute a binding contract for construction within one year (July 29, 2010);
 - b. Complete the Critical Design Review within two years (July 29, 2011);
 - c. Commence construction within three years (July 29, 2012);
 - d. Launch and begin operations within five years (July 29, 2014); and
 - e. Pegasus must file a bond with the Commission in the amount of \$3 million, pursuant to the procedures set forth in Public Notice, DA 03-2602, 18 FCC Rcd 16283 (2003), within 30 days of the date of this grant (August 27, 2009).
6. Pegasus shall complete coordination of the physical operations of the space station with operators of space stations with overlapping station-keeping volumes within two years and two months of grant of this authorization. Pegasus shall notify the Chief, Satellite Division, International Bureau, Federal Communications Commission, in writing, within ten business days of completion of such coordination. Failure to meet this condition shall render this authorization null and void.
7. This authorization and all conditions contained herein are subject to the outcome of the Commission's rulemaking in IB Docket No. 06-123 and any requirements subsequently adopted therein.
8. Pegasus shall prepare all necessary information that may be required for submission to the International Telecommunication Union (ITU) to initiate and complete the advance publication, international coordination, due diligence, and notification procedures for this space station, in accordance with the ITU Radio Regulations. Pegasus shall be held responsible for all cost recovery fees associated with these ITU filings. No protection from interference caused by radio stations authorized by other Administrations is guaranteed unless coordination and notification procedures are timely completed or, with respect to individual Administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments with other Administrations. 47 C.F.R. § 25.111(b).³
9. The license term for this 17/24 GHz BSS space station, Call Sign: S2698, is fifteen years and will begin to run on the date that Pegasus certifies to the Commission that

³ In their comments, Ciel and SES request that certain conditions relating to ITU procedures be included in each 17/24 GHz BSS authorization. Most of the conditions sought by Ciel and SES are included in condition No. 8 of this grant, which is a standard condition on space station authorizations. Ciel and SES, however, also seek to impose a customer notification requirement. We see no reason to impose such a condition on this authorization at this time.

the satellite has been successfully placed into orbit and its operation fully conforms to the terms and conditions of this authorization. 47 C.F.R. § 25.121(a). Pegasus shall file this certification with the Chief, Satellite Division, International Bureau, Federal Communications Commission, within ten business days of the space station being put into operation.

10. On June 30 of each year, Pegasus shall file a report with the International Bureau and the Commission's Columbia Operations Center in Columbia, Maryland, containing the information current as of May 31 of that year pursuant to Section 25.210(l) of the Commission's rules. 47 C.F.R. § 25.210(l).
11. Pegasus is afforded thirty days from the date of release of this grant and authorization to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.
12. This action is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within thirty days of the date of the public notice indicating that this action was taken.

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SAT-AMD-20080114-00025
SAT-AMD-20080118-00029



with conditions

File # _____
Call Sign _____ Grant Date 7/29/09
(or other identifier) _____
Term Dates
From _____ To: see conditions
Approved: *[Signature]*
Chief, Satellite Division

9-16. Name of Contact Representative

Name: Bruce D. Jacobs, Esq. Phone Number: 202-663-8000
 Company: Pillsbury Winthrop Shaw Pittman Fax Number: 202-663-8007
 Street: 2300 N Street NW E-Mail: bruce.jacobs@pillsburylaw.com
 City: Washington State: DC
 Country: USA Zipcode: 20037 -
 Attention: Relationship: Legal Counsel

CLASSIFICATION OF FILING

17. Choose the buttonnext to the classification that applies to thisfiling for both questions a. and b. Choose only one for 17a and only one for 17b.

- a.
 a1. Earth Station
 a2. Space Station

- b.
 b1. Application for License of New Station
 (N/A) b2. Application for Registration of New Domestic Receive-Only Station
 (N/A) b3. Amendment to a Pending Application
 (N/A) b4. Modification of License or Registration
 (N/A) b5. Assignment of License or Registration
 (N/A) b6. Transfer of Control of License or Registration
 (N/A) b7. Notification of Minor Modification
 (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
 b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
 b10. Replacement Satellite Application - no new frequency bands
 b11. Replacement Satellite Application - new frequency bands (Not eligible for streamlined processing)
 b12. Petition for Declaratory Ruling to be Added to the Permitted List
 (N/A) b13. Other (Please specify)

<p>17c. Is a fee submitted with this application? <input type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114). <input checked="" type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee <input checked="" type="radio"/> Other (please explain): Pegasus is resubmitting a previously filed satellite application and including an orbital debris mitigation plan. Pursuant to DA No. 05-3152 (December 7, 2005) and discussions with FCC staff, no filing fee is required.</p> <p>17c. Fee Classification BNY – Space Station (Geostationary)</p>	<p>18. If this filing is in reference to an existing station, enter: (a) Call sign of station: Not Applicable</p>	<p>19. If this filing is an amendment to a pending application enter: (a) Date pending application was filed: Not Applicable (b) File number of pending application: Not Applicable</p>
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TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- a. Fixed Satellite
- b. Mobile Satellite
- c. Radiodetermination Satellite
- d. Earth Exploration Satellite
- e. Direct to Home Fixed Satellite
- f. Digital Audio Radio Service
- g. Other (please specify) DBS Service

21. STATUS: Choose the button next to the applicable status. Choose only one.

- Common Carrier
- Non-Common Carrier

22. If earth station applicant, check all that apply.
Not Applicable

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

- Connected to a Public Switched Network
- Not connected to a Public Switched Network
- N/A

24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).

- a. C-Band (4/6 GHz)
- b. Ku-Band (12/14 GHz)
- c. Other (Please specify upper and lower frequencies in MHz.)
Frequency Lower: 17300 Frequency Upper: 25250 (Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- (N/A) a. Fixed Earth Station
- (N/A) b. Temporary-Fixed Earth Station
- (N/A) c. 12/14 GHz VSAT Network
- (N/A) d. Mobile Earth Station
- e. Geostationary Space Station.
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

Yes No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

<p>29. Is the applicant a foreign government or the representative of any foreign government?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>30. Is the applicant an alien or the representative of an alien?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A</p>
<p>31. Is the applicant a corporation organized under the laws of any foreign government?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A</p>
<p>32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A</p>
<p>33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A</p>
<p>34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.</p>	

BASIC QUALIFICATIONS

<p>35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>36. Has the applicant or any party to this application or amendment 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? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>

<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p>	<p style="text-align: right;">Ownership Exhibit</p>
<p>41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes.</p>	<p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p>
<p>42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.</p>	<p style="text-align: right;">Yes <input checked="" type="radio"/> No <input type="radio"/></p>
<p>42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?</p>	

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

Applicant proposes to launch a Ka-BSS satellite at 91W.

Application

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

<p>45. Name of Person Signing Scott A. Blank</p>	<p>46. Title of Person Signing Sr. Vice President, General Counsel and Secretary</p>
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47. Please supply any need attachments.		
1: Frequency Bands	2:	3:
<p style="text-align: center;">WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).</p>		

Completed Schedule S

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