

FCC Form 312, Response to Question 36: Cancelled Authorizations

Spectrum Five LLC filed a petition¹ seeking a declaratory ruling to extend or waive the interim construction milestone associated with the 114.5° W.L. authorization.² The International Bureau (“Bureau”) has denied this petition and cancelled Spectrum Five’s authorization for the 114.5° W.L. orbital location.³ Spectrum Five has a pending petition for reconsideration of this decision, asking the Bureau to reconsider its decision and reinstate Spectrum Five’s market access authorization for the 114.5° W.L. orbital location.⁴ Notwithstanding the fact that the Bureau’s action does not seem to be the kind of revocation action contemplated by Question 36, Spectrum Five is herein making note of the decision in the interest of absolute candor and out of an abundance of caution. In any event, the Bureau’s action does not reflect on Spectrum Five’s basic qualifications, which are well-established and a matter of public record.

¹ Spectrum Five LLC, Petition for Declaratory Ruling To Modify Its Authorization to Serve the U.S. Market Using BSS Spectrum from the 114.5° W.L. Orbital Location, IBFS File No. SAT-MOD-20101126-00245 (filed Nov. 26, 2010).

² *Spectrum Five LLC, Petition for Declaratory Ruling to Serve the U.S. Market Using Broadcast Satellite Spectrum from the 114.5° W.L. Orbital Location*, Order and Authorization, 21 FCC Rcd 14023 (2006).

³ *In the Matter of Spectrum Five LLC Petition for Declaratory Ruling to Extend or Waive Construction Milestone*, Memorandum Opinion and Order, DA 11-1252 (Int’l Bur., Jul. 26, 2011).

⁴ Petition for Reconsideration, File Nos. SAT-MOD-20101126-00245 and SAT-MOD-20101126-00269 (filed Aug. 25, 2011).