

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SAT-LOI-20160308-00025

Filing # SAT-LOI-20160308-00026



GRANTED *

Internal: SAT-LOI-20160308-00025

* Extension of time
to post surety bonds
SAT-LOI-20160308-00026

52957
Call Sign 52958 Grant Date 12/02/16
(or other identifier)
Term Dates
From 12/02/16 To: 12/16/16

Stephen J. Duall
Chief, Satellite Policy Branch

In the Matter of

Spectrum Five LLC Petition for Declaratory
Ruling To Provide Service from 110.9

Spectrum Five LLC Petition for Declaratory
Ruling To Provide Service from 115

**RENEWED MOTION FOR EXTENSION OF TIME OR, IN THE ALTERNATIVE, FOR
WAIVER PENDING THE COMMISSION'S ISSUANCE OF FURTHER GUIDANCE**

In December 2015, the Commission comprehensively revised its milestone and bond rules.¹ Those rules took effect on September 19, 2016.² On October 5, 2016, the Commission granted Spectrum Five's applications for satellite space station authorizations, seeking to provide service from 110.9° W.L. and 115° W.L.³ Under those rules, and the conditions on the licenses, Spectrum Five was initially required to post surety bonds that comply with newly adopted 47 C.F.R. § 25.165(a)(2) & (b) by November 4, 2016. On November 2, 2016, the Commission granted Spectrum Five's Motion for Extension of Time Or, in the Alternative, for Waiver, extending to November 18, 2016 the due date for Spectrum Five to post those surety bonds. On

¹ See Second Report and Order, *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, 30 FCC Rcd 14713, ¶¶ 49-85 (2015) ("Satellite Rules Order").
² See Public Notice, *International Bureau Announces Effective Date of Rules Adopted in the Part 25 Second Report and Order*, 31 FCC Rcd 9807 (2016).
³ See Stamp Grant, *Spectrum Five LLC Petition for Declaratory Ruling to Provide Service from 110.9*, SAT-LOI-20160308-00025 (Oct. 5, 2016); Stamp Grant, *Spectrum Five LLC Petition for Declaratory Ruling to Provide Service from 115*, SAT-LOI-20160308-00026 (Oct. 5, 2016).

November 18, 2016, the Commission granted Spectrum Five's Emergency Motion for Clarification and Extension of Time Or, in the Alternative, for Waiver, further extending to December 2, 2016 the due date for Spectrum Five to post those surety bonds.

In its November 18, 2016 motion (at 2-3), Spectrum Five identified the need for further guidance on terms of a surety bond that will comply with the Commission's new rules. Spectrum Five understands that the Commission intends to provide further guidance on the questions raised in Spectrum Five's November 18, 2016 motion. To afford Spectrum Five sufficient time to work with Marsh & McLennan Companies and Chubb Limited to conform its surety bonds to that further guidance, Spectrum Five renews its motion for an extension of the due date, or a waiver, so that the surety bonds for these licenses are due no sooner than two weeks after the Commission releases the further guidance. Tying the due date to the release date of the further guidance will ensure that Spectrum Five and its surety have sufficient time to review the guidance and to incorporate it into the surety bonds, without the need for additional motions for extension or waiver. At a minimum, Spectrum Five requests a further extension, or waiver, so that the due date for those bonds is December 16, 2016.

As Spectrum Five has explained in its prior motions, the extension and waiver Spectrum Five seeks will not alter either its surety bond obligations under 47 C.F.R. § 25.165(a)(2) or its launch milestone date under § 24.164(a). That is, both the minimum value of the bond required under § 25.165(a)(2) and the launch milestone date under § 25.164(a) will continue to be calculated from the date of the license grants (October 5, 2016).

For the foregoing reasons, the Commission should extend the deadline for the posting of surety bonds for these two licenses to a date that is two weeks after the Commission provides the further guidance, or should waive 47 C.F.R. § 25.165(a) and Condition 4.a of each license grant

to permit the posting of those surety bonds on or before that date. At a minimum, the Commission should grant a further extension, or waiver, so that the due date for those bonds is December 16, 2016.

Respectfully submitted,

/s/ Scott H. Angstreich

Scott H. Angstreich

Daniel V. Dorris

Kellogg, Huber, Hansen, Todd,

Evans & Figel, P.L.L.C.

1615 M Street, N.W., Suite 400

Washington, D.C. 20036

(202) 326-7900

sangstreich@khhte.com

ddorris@khhte.com

Counsel for Spectrum Five LLC

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