

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

In re Applications of)
)
NATIONAL EXCHANGE SATELLITE,)
INC.)
)
For Authority to Construct,)
Launch and Operate Space)
Stations in the Domestic)
Fixed-Satellite Service)

File Nos. 4/5-DSS-EXT-90 .

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APR 15 1991

To: Chief, Common Carrier Bureau

Federal Communications Commission
Office of the Secretary

MOTION FOR LEAVE TO SUPPLEMENT OPPOSITION

General Instrument Corporation ("GIC"), acting pursuant to Section 1.45(c) of the Commission's rules, hereby moves for leave to supplement its opposition to the request of National Exchange Satellite, Inc. ("NEXSAT") for an extension of time within which to commence construction of its authorized satellite. In support of this request, the following is stated:

1. On March 18, 1991, GIC filed an opposition to the request of National Exchange Satellite, Inc. for an extension of time within which to commence construction of its authorized satellite. NEXSAT filed a reply on or about April 5, 1991.

2. NEXSAT's reply mischaracterizes a recent Commission decision and, more importantly, obfuscates the nature of its intentions. GIC therefore requests leave to file this short supplement to clarify the key issue. Consideration of this

short reply will not delay disposition of NEXSAT's request or otherwise adversely affect any public interest.

3. In its reply, NEXSAT states that its situation is analogous to the application which the Commission disposed of in Hughes Communications Galaxy, Inc., 6 FCC Rcd 72 (1991). NEXSAT Reply at 7. However, that case merely underscores the absence of any basis to grant NEXSAT's request for an extension of time.

4. In Hughes Communications Galaxy, Inc., the applicant proposed to launch a single hybrid satellite to replace two operating satellites in the C-band and in the Ku-band. The Commission granted that application because, inter alia, the licensee was ready, able, and willing to proceed with a launch of the satellite by a specified date. In short, there was no doubt about the applicant's plans.

5. In contrast, despite its protest to the contrary, NEXSAT has still refused to provide any commitment as to when, if ever, it will commence construction of any satellite. It has committed itself only to have TRW Inc. study the feasibility of launching two satellites. Nothing in NEXSAT's pleadings or in this record reflects any commitment on NEXSAT's part to accept any recommendation by TRW Inc. or, if that recommendation is rejected, to proceed with the construction of a single satellite by any particular date. In short, a grant of NEXSAT's request will not provide any

assurance as to when, if ever, NEXSAT will commence construction on any satellite.

WHEREFORE, in view of the foregoing, it is respectfully requested that leave be granted to file the instant supplement and that, in light of the entire record herein, NEXSAT's request be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of April, 1991, caused a copy of the foregoing Motion to be mailed via first class mail, postage prepaid, to the following:

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