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MAR 20 2003

Policy Branch
International Bureau

March 14, 2003

BY HAND DELIVERY

Marlene H. Dortch
Federal Communications Commission
International Bureau - Satellites
445 12th Street, SW
Washington, D.C. 20554

RECEIVED

MAR 14 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Minor Amendment to R/L DBS Company, LLC Request for Extension of Milestone Date for Launch of Rainbow 1; Callsign DBS 87-01, File No. SAT-MOD-20030110-00009

Dear Ms. Dortch:

R/L DBS Company, LLC ("Rainbow DBS"), pursuant to Section 25.116 of the Commission's rules, hereby submits a minor amendment to its request for an extension of the milestone date for launch of the Rainbow 1 satellite. This amendment would extend the launch date for the satellite until August 31, 2003, and likewise extend the milestones for shipping the spacecraft to the launch site and for final testing of the spacecraft. As verified by the attached application, this amendment is necessary due to unforeseeable circumstances beyond Rainbow DBS's control. Grant of the requested extension will serve the public interest. In support of this request, attached please find an amendment to the modification application that serves as the verified statement justifying the extension, a copy of the original Extension Request, and a letter from Lockheed Martin Commercial Space Systems advising of the need for an extension.

Should you have any questions regarding this request, please feel free to contact the undersigned.

Sincerely,



Benjamin J. Griffin
Christopher R. Bjornson

DBS8701 SAT-AMD-20030314-00034
R/L DBS Company, LLC
DBS8701

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

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Marlene H. Dortch

March 14, 2003

Page 2

cc: Kathleen Campbell
Jennifer Gilsonan
Selina Khan
JoAnn Lucanik
Terrence Reideler
Tom Tycz

WDC 328340v1

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

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MAR 14 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
R/L DBS Company, LLC)
)
Minor Amendment to Application for Minor)
Modification to Direct Broadcast Satellite)
Authorization, for Extension of Launch)
Milestone for Rainbow 1 (USABSS-17))
)

File No. SAT-MOD-20030110-00009

Received

MAR 20 2003

Policy Branch
International Bureau

**MINOR AMENDMENT TO APPLICATION OF R/L DBS COMPANY, LLC FOR
MINOR MODIFICATION TO DIRECT BROADCAST SATELLITE
AUTHORIZATION, FOR EXTENSION OF LAUNCH MILESTONE FOR RAINBOW 1
(USABSS-17)**

R/L DBS Company, LLC (“Rainbow DBS”),^{1/} pursuant to Section 25.116 of the Commission’s rules, hereby amends its request for an extension of the milestone date for launch of the Rainbow 1 satellite from March 29, 2003 to August 31, 2003, and likewise requests to extend the milestones for shipping the spacecraft to the launch site and for final testing of the spacecraft.

On January 10, 2003, Rainbow DBS filed an Application for Minor Modification to Direct Broadcast Satellite Authorization, for Extension of Launch Milestone for Rainbow 1 (USABSS-17) (“Extension Request”)^{2/} pursuant to Section 25.117(e) of the Commission’s

^{1/} R/L DBS is an indirect wholly-owned subsidiary of Cablevision Systems Corporation (“Cablevision”).

^{2/} R/L DBS Company, LLC Application for Minor Modification to Direct Broadcast Satellite Authorization, for Extension of Launch Milestone for Rainbow 1 (USABSS-17), File No. SAT-MOD-20030110-00009 (filed Jan. 10, 2003) (“Extension Request”). A copy of the Extension Request is attached.

Rules. Since the time of that filing, Lockheed Martin Commercial Space Systems (“Lockheed Martin”) has identified additional issues that require a further delay in launch. All other aspects of the launch, spacecraft completion and business continue to track as anticipated.

I. NATURE OF ADDITIONAL EXTENSION REQUEST

Despite its desire to launch the Rainbow 1 satellite as soon as possible, Rainbow DBS finds it necessary to seek an extension of the launch milestone for the Rainbow 1 satellite to August 31, 2003, due to circumstances beyond its control. As explained in the prior Extension Request, Rainbow 1 will be one of the first satellites launched into orbit using the new Atlas V series rocket (AV003). On-going qualification activities and the time required for turning around the launch pad necessitated the Extension Request.

Since that time, Lockheed Martin discovered additional anomalies with resistance spot welds in a new Centaur tank subassembly that was being manufactured in the Lockheed Martin San Diego Operations facility. That discovery led Lockheed Martin to examine several tanks that had been designated for specific launch vehicles. Lockheed Martin discovered that the defect was present on the AV003 vehicle designated for the Rainbow 1 launch. Subsequently, it was discovered that the same defect was present on the AV002 launch immediately preceding the Rainbow 1 launch. After these discoveries, a series of evaluations were done and revised ILC (“Initial Launch Capability”) dates were established. The final outcome resulted in delaying the AV002 launch from March until May 2003. Based on Lockheed Martin’s currently projected launch pad turn around schedule, Lockheed Martin has indicated that a July date can be reserved for the Rainbow 1 launch on AV003

In order to allow for these unforeseen changes to the launch schedule and testing, Rainbow DBS amends its Application for Minor Modification to Direct Broadcast Satellite

EXPEDITED PROCESSING REQUESTED

Authorization, for Extension of Launch Milestone for Rainbow 1 (USABSS-17) in order to move the launch milestone date from March 29, 2003 to August 31, 2003.^{3/}

Rainbow DBS also seeks modification in the related shipment to launch site and final testing milestones. While it is possible to meet the current milestone dates for final testing and shipping on March 29, 2003, those activities are closely tied to the launch schedule. Since the launch will be delayed, Lockheed Martin has advised Rainbow DBS that it would be prudent to delay shipment of the spacecraft to Florida and keep the spacecraft in the factory until shortly before launch. In addition, because the spacecraft will remain in the factory, Lockheed Martin has indicated that it might use the time to conduct further processing and testing to refine the spacecraft for optimal performance. Relief from the March 29, 2003 date on these milestones will permit ongoing scrutiny of the spacecraft to continue to minimize risks but will not affect launch or in-service dates. Therefore, Rainbow DBS requests permission to move the milestone dates for shipping the satellite to the launch site and for final testing to August 31, 2003 as well.

II. EXTENSION OF MILESTONES REQUIRED DUE TO CIRCUMSTANCES BEYOND RAINBOW DBS'S CONTROL

None of the foregoing circumstances was foreseeable when the Commission adopted the *Extension Order* in 2000. As the attached letter from Lockheed Martin demonstrates, these issues are all beyond the control of Rainbow DBS. These are also the very types of circumstances that the Commission recognized might warrant an extension when, on its own motion, it provided Rainbow DBS with a December 29, 2003 in-service date rather than the March 29, 2003 date Rainbow DBS had requested. In granting that extension, the Commission

^{3/} Extending the milestone date until August 31, 2003 would take into account any other unforeseen events such as weather difficulties that could slightly further delay the launch.

noted, “launches can be delayed for reasons that are beyond a licensee’s control.”^{4/} This situation is no different from numerous other cases where the Commission has recognized that technical issues with launch vehicles or satellites justify a brief milestone extension.^{5/}

III. THE PUBLIC INTEREST JUSTIFIES AN EXTENSION

Grant of this extension request is in the public interest. The extension will permit the necessary replacement tank to be incorporated into the AV003 launch vehicle to ensure a safe and successful launch of Rainbow 1. As the Commission noted in the *Extension Order*, the public interest will be served by the addition of a new facilities-based DBS competitor.^{6/}

Without a grant of this extension, there will be no facilities-based provider with the capability to enter the DBS market, as Rainbow DBS is “the last opportunity in the near-term for entry by a competitive provider within the DBS service itself.”^{7/}

III. THE NEED FOR EXPEDITED PROCESSING

It is important that this extension be approved as soon as possible in order to facilitate planning for Rainbow 1’s launch. Consequently, Rainbow DBS requests that this application be processed on an expedited basis.

^{4/} *Extension Order*, 16 FCC Rcd at 17, ¶ 23.

^{5/} See INTELSAT LLC Modification of Authorization to Launch C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit, File No. SAT-MOD-20011025-00092, *Order and Authorization*, DA 02-333, ¶ 5 (rel. Feb. 13, 2002); AMSC Subsidiary Corporation, Application for Modification of Construction Permit and License for the AMSC-1 Satellite, *Order and Authorization*, 10 FCC Rcd 3791, 3791, ¶ 4 (1995) (granting a short milestone extension to permit licensee to resolve unanticipated technical problems with antenna); American Telephone and Telegraph Company, Application for Modification of Construction Permit and License for the Telstar 402 Satellite, *Order and Authorization*, 9 FCC Rcd 2607, 2607, ¶ 4 (1994) (granting short milestone extension to permit licensee to resolve unanticipated technical problems).

^{6/} *Extension Order*, 16 FCC Rcd at 16, ¶ 19. (“[A]llowing R/L DBS additional time in which to implement its system has the potential to enhance both competition in the industry and the variety of service offerings available to the public.”).

^{7/} *Id.*

EXPEDITED PROCESSING REQUESTED

IV. NO OTHER CHANGES TO AUTHORIZATION

In accordance with Section 25.117(d) of the Commission's rules, Rainbow DBS certifies that no changes to its space station authorization other than those in this application are required.

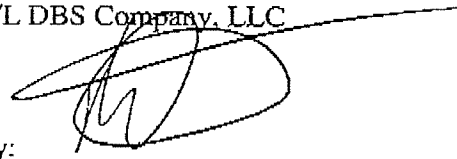
V. CONCLUSION

For the foregoing reasons, Rainbow DBS requests an extension of the completion date for the launch, shipment to launch site, and final testing milestones until August 31, 2003.

EXPEDITED PROCESSING REQUESTED

Respectfully Submitted,

R/L DBS Company, LLC



By: _____

David A. Deitch

Title: Senior Vice President, General Counsel

R/L DBS Company, LLC

200 Jericho Quadrangle

Jericho, NY 11753

(516) 803-2569

Dated: *3/14/2003*

WDC 328339v1



Thomas Dowd
Program Manager
Rainbow-1

Lockheed Martin Commercial Space Systems
100 Campus Drive, PA 18940

Rainbow (L) 0021

March 11, 2003

R/L DBS Company, LLC
200 Jericho Quadrangle
Jericho, New York 11758
Attention: Steve Pontillo

Subject: Atlas Launch Vehicle Manifest

Dear Mr. Pontillo,

The purpose of this letter is to inform you of recent events that will require Cablevision to modify further its pending request for an FCC extension of the launch milestone for the Rainbow 1 Spacecraft.

In early February, anomalies were discovered in resistance spot welds in a new Centaur tank subassembly that was being manufactured in the Lockheed Martin San Diego Operations (SDO) facility. This subassembly was scrapped because of the anomalies. While investigating the cause of the anomalies, it was determined that weld anomalies could also exist in other tank assemblies that had been recently welded in the SDO facility. Accordingly, comprehensive inspections were performed to confirm the acceptability of the welds on all hardware that was suspect for weld anomalies.

After X-ray inspection, it was discovered that the AV003 (Rainbow) Centaur tank had this weld problem. A recovery plan was put in place to use the next available tanks on AV003. As of February 20, 2003, and based on this use plan, Rainbow was going to launch in the month of May 2003. X-ray inspections in Florida on February 23 discovered that AV002 also had the same weld problem. Subsequent to that finding and during the week of February 24 -28, a series of evaluations were completed, which revised the Initial Launch Capability (ILC) dates. Based on this evaluation ILC for AV002 is May 2003. Due to the required time for pre and post flight processing at the launch site the resulting ILC for AV003 is July 2003. The final outcome resulted in moving AV002 to May '2003 and AV003 to July '2003. As a result, Lockheed Martin will keep the Rainbow 1 Spacecraft in its Sunnyvale facility until approximately 5 weeks prior to launch. This is standard procedure when the spacecraft is complete and is awaiting launch vehicle readiness; this provides the most secure storage for the spacecraft during this time period. In addition, while the Rainbow 1 spacecraft is planned to be ready for shipment to the launch site prior to March 29, 2003, Lockheed Martin may take advantage of the on site storage time to perform additional testing.

All eight of the completed Centaur tank assemblies that were considered suspect have now been inspected. Six tanks were free of anomalies. As mentioned above, two of these, the Centaur tank assemblies for AV-002 and AV-003 (Rainbow 1) were found to have anomalies. These anomalous assemblies are being removed from flight service. Two of the tanks that were confirmed to be acceptable are now being used to assemble replacement Centaur upper stages for the AV-002 and AV-003 missions.

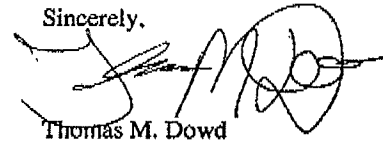
All of the normal and thorough quality assurance provisions that are required to successfully build and launch the Atlas vehicles for both AV-002 and AV-003 were properly accomplished. All Centaur tank assemblies are x-ray inspected after the weld process, and these inspections were properly performed to verify the quality of the welds. All of the hardware passed these quality assurance inspections. The problem that was discovered was caused by an

equipment problem, and the effects of this problem were not detectable by the normal quality assurance provisions. Therefore, it was determined to be necessary to perform the additional inspections that were described in the paragraph above. The problems that were found with the welding process have been corrected. In addition, independent measures have been implemented to verify quality assurance of the weld system/equipment both before and after each weld operation to prevent this type of incident from occurring in the future.

As stated above, Lockheed Martin's new manifested launch date for the AV-002 launch is now scheduled for May 2003, and the new date for the AV-003 Rainbow 1 launch is now July 2003. These new dates are driven by the discovery and subsequent investigation of the defective, Centaur tank welds, plus the time required for the replacement of the Centaur stage assemblies. Standard launch manifest constraints, such as the time required for pre and post flight processing at the launch site, have also been factored into these revised launch dates

If you need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. M. Dowd', written over a horizontal line.

Thomas M. Dowd

Rainbow 1 Program Manager
Lockheed Martin Commercial
Space Systems

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

701 Pennsylvania Avenue, N.W.
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January 10, 2003

BY HAND DELIVERY

Marlene H. Dortch
Federal Communications Commission
International Bureau - Satellites
P.O. Box 358210
Pittsburgh, PA 15251-5210

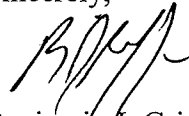
**Re: R/L DBS Company, LLC Request for Extension of Milestone Date for
Launch of Rainbow 1; File Nos. DBS 87-01, 94-SAT-AL-96, 94-SAT-TC-96,
49-SAT-TC-95, 130-SAT-EXT-95**

Dear Ms. Dortch:

R/L DBS Company, LLC ("Rainbow DBS"), pursuant to Section 25.117(e) of the Commission's rules, hereby requests an extension of the milestone date for launch of the Rainbow 1 satellite from March 29, 2003 to May 31, 2003. As verified by the attached application, this request for extension does not seek to extend milestones related to the construction of the satellite or the date for commencement of service. Rather, this request is solely to extend the launch date milestone and is necessary due to unforeseeable circumstances beyond Rainbow DBS's control. Grant of the requested extension will serve the public interest. In support of this request, attached please find a modification application that serves as the verified statement justifying the extension as required by 47 CFR 25.117(e), a letter from Lockheed Martin Commercial Space Systems advising of the need for an extension, a FCC Form 159 and the required fees for a modification in the Direct Broadcast Satellite service.

Should you have any questions regarding this request, please feel free to contact the undersigned.

Sincerely,



Benjamin J. Griffin
Christopher R. Bjornson

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

BY HAND DELIVERY

Marlene H. Dortch

January 10, 2003

Page 2

cc: Donald Abelson
Kathleen Campbell
Rosalee Chiara
Sasha Field
Jennifer Gilson
Anna Gomez
John Martin
Cassandra Thomas
Tom Tycz
Doug Webbink
Mark Young

WDC 325195v1

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

In the Matter of)	
)	
R/L DBS Company, LLC)	File No. _____
)	
Application for Minor Modification to Direct)	
Broadcast Satellite Authorization, for)	
Extension of Launch Milestone for)	
Rainbow 1 (USABSS-17))	
)	

**APPLICATION OF R/L DBS COMPANY, LLC FOR MINOR MODIFICATION TO
DIRECT BROADCAST SATELLITE AUTHORIZATION, FOR EXTENSION OF
LAUNCH MILESTONE FOR RAINBOW 1 (USABSS-17)**

R/L DBS Company, LLC (“Rainbow DBS”),^{1/} pursuant to Section 25.117(e) of the Commission’s rules, hereby requests an extension of the milestone date for launch of the Rainbow 1 satellite from March 29, 2003 to May 31, 2003.

Section 25.117(e) requires that an applicant for an extension of a milestone demonstrate that “the additional time is required due to unforeseeable circumstances beyond the applicant’s control” and that “there are unique and overriding public interest concerns that justify an extension.”^{2/} As explained below and in the attached letter from Lockheed Martin Commercial Space Systems (“Lockheed Martin”), this request for extension relates solely to issues involving the Atlas V launch vehicle program to be used to launch Rainbow 1. The delay in launch is necessary due to unforeseeable circumstances beyond Rainbow DBS’s control. Grant of the

^{1/} R/L DBS is an indirect wholly-owned subsidiary of Cablevision Systems Corporation (“Cablevision”).

^{2/} 47 C.F.R. § 25.117(e). Rainbow DBS requests that this pleading serve as the verified statement required under Section 25.117(e) of the Commission’s rules.

EXPEDITED PROCESSING REQUESTED

requested extension will serve the public interest because it will permit completion of necessary ongoing qualification for the Rainbow 1 launch vehicle and will permit the U.S. Air Force to complete certain safety upgrades at the launch range. The expected extension of the launch date for Rainbow 1 will not impact the commencement of Rainbow DBS's service as currently specified by the Commission.

On December 29, 2000, the International Bureau granted the request of Rainbow DBS for an extension of its construction permit.^{3/} The extension affords Rainbow DBS a period of three years, or until December 29, 2003, to commence service. In the *Extension Order*, the Commission implemented certain interim satellite construction and launch milestones based on a schedule proposed by Rainbow DBS. Those milestones required that certain efforts be completed within six months from the effective date of the *Extension Order*, that others be completed within 12 months, and that still others be completed within 18, 24, 27 and 36 months, respectively. Rainbow DBS and Lockheed Martin have met all of the interim milestones to date and expect to meet the remaining spacecraft construction milestones. In fact, construction of the spacecraft is ahead of schedule and would support the original March 2003 launch date with margin. In addition, Rainbow DBS also will be able to meet the commencement of service milestone of December 29, 2003.

I EXTENSION OF LAUNCH MILESTONE REQUIRED DUE TO CIRCUMSTANCES BEYOND RAINBOW DBS'S CONTROL

Despite its strong commitment to launch the Rainbow 1 satellite as soon as possible, Rainbow DBS finds it necessary to seek an extension of the launch milestone for the Rainbow 1

^{3/} R/L DBS Company, L.L.C. for Extension of its Direct Broadcast Satellite Construction Permit, File Nos. 87-01, 94-SAT-AL-96, 94-SAT-TC-96, 49-SAT-TC-95, 130-SAT-EXT-95, SAT-MOD-19990813-00083, *Memorandum Opinion and Order*, DA 00-2852, 16 FCC Rcd 9 (rel. Dec. 29, 2000) ("*Extension Order*").

EXPEDITED PROCESSING REQUESTED

satellite for approximately two months due to circumstances beyond its control. As the Commission is aware, Rainbow 1 will be one of the first satellites launched into orbit using the new Atlas V series rocket. The first satellite using the Atlas V launch vehicle (AV001) was successfully launched on August 21, 2002. The launch vehicle to be used for the Rainbow 1 mission will be the first of the article-500 series of the Atlas V and is scheduled to be the third Atlas V rocket launched. That launch vehicle is currently in the process of on-going qualification activities, which include incorporation of the AV001 flight data. This ongoing qualification process will delay the availability of Rainbow 1's Atlas V launch vehicle by about 30 days.

An additional ten days of delay in the Rainbow 1 launch will be required due to a combination of a range facility shutdown, the delay in the launch immediately preceding the Rainbow 1 launch and the time required after that launch to make the launch pad ready for the Rainbow 1 launch. Specifically, another Atlas V launch (AV002) is slated to occur prior to the Rainbow I launch. Because of the increased processing spans of the Atlas V boosters and a delay in the delivery of the satellite scheduled for the AV002 launch, the earliest launch capability for AV002 occurs during a range safety facility shutdown previously scheduled by the U.S. Air Force. Assuming AV002 is launched on March 11, 2003, which is the first available launch date after the range shutdown, and assuming the launch pad can be turned around for the Rainbow 1 launch on the schedule currently projected by Lockheed Martin, the Rainbow 1 launch will be delayed by an additional 10 days.

These issues have caused Lockheed Martin to conclude that a March 29, 2003 launch date for Rainbow 1 cannot be met, while a launch date in early May is achievable. Based on Lockheed Martin's currently projected launch pad turn around schedule, Lockheed Martin has

reserved the range from May 8-10, 2003 for the Rainbow 1 launch. In an abundance of caution, this application seeks an extension of the launch milestone up to and including May 31, 2003.

None of the foregoing circumstances was foreseeable and they are all beyond the control of Rainbow DBS. These are also the very types of circumstances that the Commission has previously recognized might warrant an extension. For example, in the grant of the original Rainbow license extension, the Commission noted, “launches can be delayed for reasons that are beyond a licensee’s control.”^{4/} This situation is no different from numerous other cases where the Commission has recognized that technical issues with launch vehicles or satellites justify a brief milestone extension.^{5/}

II. THE PUBLIC INTEREST JUSTIFIES AN EXTENSION

Grant of this extension request is in the public interest. The extension will permit the necessary launch vehicle component qualification activities to be completed and range safety improvements to be made to enable a safe and successful launch of the Rainbow 1 satellite. As the Commission noted in the *Extension Order*, the public interest will be served by the addition of a new facilities-based competitor in the DBS service.^{6/} The grant of this extension will permit

^{4/} *Id.* at 17, ¶ 23.

^{5/} See INTELSAT LLC Modification of Authorization to Launch C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit, File No. SAT-MOD-20011025-00092, *Order and Authorization*, DA 02-333, ¶ 5 (rel. Feb. 13, 2002); AMSC Subsidiary Corporation, Application for Modification of Construction Permit and License for the AMSC-1 Satellite, *Order and Authorization*, 10 FCC Rcd 3791, 3791, ¶ 4 (1995) (granting a short milestone extension to permit licensee to resolve unanticipated technical problems with antenna); American Telephone and Telegraph Company, Application for Modification of Construction Permit and License for the Telstar 402 Satellite, *Order and Authorization*, 9 FCC Rcd 2607, 2607, ¶ 4 (1994) (granting short milestone extension to permit licensee to resolve unanticipated technical problems).

^{6/} *Id.* at 16, ¶ 19. (“[A]llowing R/L DBS additional time in which to implement its system has the potential to enhance both competition in the industry and the variety of service offerings available to the public.”).

EXPEDITED PROCESSING REQUESTED

Rainbow DBS to launch timely service on Rainbow 1 satellite and to introduce the first new facilities-based competition in the DBS space in more than seven years.

III. THE NEED FOR EXPEDITED PROCESSING

It is important that this extension be approved as soon as possible in order to facilitate planning for Rainbow 1's launch. Consequently, Rainbow DBS requests that this application be processed on an expedited basis.

IV. NO OTHER CHANGES TO AUTHORIZATION

In accordance with Section 25.117(d) of the Commission's rules, Rainbow DBS certifies that no other changes to its space station authorization other than those noted in this application are required.

V. CONCLUSION

For the foregoing reasons, Rainbow DBS requests an extension of the launch milestone date until May 31, 2003.^{7/} As noted above, this request will not impact the date Rainbow DBS will begin providing service to customers.

^{7/} The launch date has been rescheduled for May 8-10, 2003. Extending the milestone date until May 31, 2003 would take into account any other unforeseen events such as weather difficulties that could slightly further delay the launch.

Respectfully Submitted,

R/L DBS Company, LLC



David Deitch
Senior Vice President and General Counsel
R/L DBS Company, LLC
200 Jericho Quadrangle
Jericho, NY 11753
(516) 803-2569

Dated: Jan. 10, 2003