

**COPY**

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

**FILED/ACCEPTED  
JUL 23 2007  
Federal Communications Commission  
Office of the Secretary**

In the Matter of	)	
	)	
TerreStar Networks Inc.	)	File No. SAT-MOD-20070608-00080
	)	
Application for Modification of 2 GHz	)	Call Sign S2633
Mobile Satellite Service Letter of Intent	)	
Authorization	)	
	)	

**COMMENTS**

New ICO Satellite Services G.P. (“ICO”), the holder of a 2 GHz mobile satellite service (“MSS”) letter of intent (“LOI”) authorization, submits these comments regarding the above-captioned application (“Application”) filed by TerreStar Networks, Inc. (“TerreStar”).

In its Application, TerreStar seeks to modify its 2 GHz MSS LOI authorization by extending the milestone deadline for launching its satellite from November 2007 to September 2008.<sup>1</sup> TerreStar states that despite substantial progress made toward completing construction of its satellite, a 10-month milestone extension is required because of unforeseeable construction delays beyond its control. TerreStar attributes the construction delays to unanticipated technical problems in the construction and delivery of the S-band low noise amplifiers, oscillators, and S-band feed array.<sup>2</sup>

ICO supports the grant of an extension of TerreStar’s launch milestone deadline for unanticipated technical problems encountered during construction. The Commission

<sup>1</sup> See TerreStar Application, Exh. 1, at 1 (June 8, 2007).

<sup>2</sup> *Id.* at 4.

has a longstanding policy of granting milestone extensions when the delay is due to “circumstances beyond the licensee’s control” and particularly when those circumstances involve “unanticipated technical problems with a satellite under construction.”<sup>3</sup>

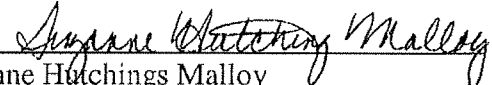
Additionally, the Commission has considered “the extent of a satellite’s construction and the amounts paid toward the total contract price” as factors in granting milestone extension requests.<sup>4</sup> Imposing milestones while granting extensions under appropriate circumstances serves the Commission’s policy of preventing satellite licensees from warehousing valuable spectrum and ensuring prompt delivery of service to the public.<sup>5</sup>

ICO suggests that the Commission evaluate TerreStar’s milestone extension request under the Commission’s established milestone policy and precedent and grant the request, subject to any modifications the Commission deems appropriate, if the Commission determines that TerreStar’s delay is due to circumstances beyond its control.

Respectfully submitted,

NEW ICO SATELLITE SERVICES G.P.

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<sup>3</sup> See *New ICO Satellite Services G.P.*, 22 FCC Rcd 2229, ¶ 15 (IB 2007).

<sup>4</sup> *Id.*


<sup>5</sup> *Id.* ¶ 14.

## CERTIFICATE OF SERVICE

I hereby certify on this 23<sup>rd</sup> day of July 2007, a copy of the foregoing Comments has been served via first class mail, postage pre-paid, to the following:

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