



INTERNATIONAL BUREAU

FEDERAL COMMUNICATIONS COMMISSION
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November 7, 1994

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006-1809

Attention: Walter P. Jacob

Reference: Request for Section 319(d) waiver filed on behalf of TRW Inc.
for the Odyssey system (File No. 8-DSS-MISC-95)

Dear Mr. Jacob:

This is in response to your request for a waiver of Section 319(d) of the Communications Act, 47 U.S.C. § 319(d), to permit TRW Inc. (TRW) to expend up to \$10 million to commence construction of its proposed Odyssey low-earth orbit satellite system in the Above 1 GHz Mobile Satellite Service (Big LEO MSS). TRW asserts that favorable action on the 319(d) waiver request will serve the public interest by expediting service should the Commission grant the underlying application for the Odyssey system. (See File No. 20-DSS-P-91(12) and CSS-91-015). No oppositions or objections were filed.

On October 13, 1994, the Commission adopted a Report and Order which establishes licensing policies for Big LEO MSS. See Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, FCC No. 94-261 (released October 14, 1994) (Report and Order). The Commission has recognized that Big LEO systems will provide needed mobile and fixed telecommunications services, especially in rural communities not currently linked to a communications network. It has also recognized that this service may be a critical component in the development of the global information infrastructure, while representing an opportunity for the United States to continue its leadership role in promoting global development through enhanced communication infrastructures and services. To preserve this opportunity and to ensure the public receives these services as quickly as possible, we intend to license all qualified applicants by January 31, 1995.

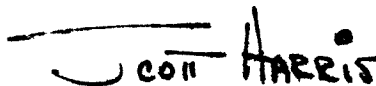
In light of this short time frame and the fact that the spectrum sharing plan adopted in the Report and Order accommodates up to five Big LEO systems, the public interest would be served by allowing those applicants that wish to begin construction at their own risk to do so. These waivers will permit this revolutionary service to be made available in the United States, and perhaps globally, in the most expeditious manner possible. The waivers will not

prejudice those applicants that choose to wait for a construction permit before beginning construction. First, it is possible that we will be able to grant licenses to all qualified applicants. In that case, a three month "head start" to those who choose to proceed at their own risk would not put the remaining applicants at an unfair disadvantage. If all cannot be accommodated, the Commission has said it will implement an auction to award licenses. In that case, prior construction activities are irrelevant. Consequently, we believe it will best serve the public interest to grant Section 319(d) waivers to those Big LEO applicants requesting them.

We therefore grant TRW's request. In so doing, we emphasize that expenditures made pursuant to this waiver prior to Commission action on the underlying application are at TRW's own risk, and that grant of this waiver in no way prejudices any action the Commission might take on TRW's application for the proposed Odyssey satellite system.

Accordingly, pursuant to Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, as adopted in Amendment of Parts 0, 1, 25, 43, 64, and 73 of the Commission's Rules to Reflect a Reorganization Establishing the International Bureau, FCC 94-252 (released October 19, 1994), TRW Inc. is granted a waiver pursuant to Section 319(d) of the Communications Act, 47 U.S.C. § 319(d), to expend up to \$10 million to commence construction and procurement of long-lead items for its proposed Odyssey low-earth orbit satellite system, at its own risk.

Sincerely yours,

A handwritten signature in black ink that reads "SCOTT HARRIS". The signature is written in a stylized, cursive-like font with some capitalization.

Scott Blake Harris
Bureau Chief