

FCC/MELLON OCT 27 1994

DUPLICATE COPY

LAW OFFICES
LEVENTHAL, SENTER & LERMAN
SUITE 600

2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

TELEPHONE
(202) 429-8970
TELECOPIER
(202) 293-7783

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
DAVID S. KEIR
LINDA G. MORRISON*
J. BRECK BLALOCK
NANCY A. ORY**
WALTER P. JACOB+

~~FCC/MELLON OCT 28 1994~~ ME

October 27, 1994

OF COUNSEL
BRIAN M. MADDEN
NANCY L. WOLF

RECEIVED

NOV 2 1994

DOMESTIC FACILITIES DIVISION
SATELLITE RADIO BRANCH

8-DSS-MISC-95

*ADMITTED CA ONLY
**ADMITTED MA ONLY
+ADMITTED NY ONLY

BY R&S COURIERS, INC.

Federal Communications Commission
Satellite and Radiocommunication
Division
P.O. Box 358160
Pittsburgh, PA 15251-5160

Re: **Application for Waiver of Section 319(d) of the
Communications Act, File Nos. 20-DSS-P-91(12) and
CSS-91-015**

Dear Sir or Madam:

On behalf of TRW Inc. ("TRW"), enclosed are the original and nine copies of TRW's Request for Waiver of Section 319(d) of the Communications Act ("Waiver Request") in connection with the above-referenced application for a satellite system license in the new Mobile-Satellite Service Above 1 GHz ("MSS Above 1 GHz").

On October 20, 1994, the FCC's International Bureau granted the Section 319(d) waiver requests of Motorola Satellite Communications, Inc., Loral Qualcomm Satellite Services, Inc. (now Loral/QUALCOMM Partnership, L.P.), and Mobile Communications Holdings, Inc., and enabled each to begin construction of its proposed MSS Above 1 GHz satellite system at its own risk. See Letter to Durrell W. Hillis, President, Motorola Satellite Communications, Inc., from Scott B. Harris, Chief, International Bureau, File No. 8-DSS-MISC-94 (Oct. 20, 1994); Letter to Douglas G. Dwyre, President, Loral Qualcomm Satellite Services, Inc., File No. 23-DSS-MISC-94 (Oct. 20, 1994); Letter to David Castiel, Chairman and CEO, Mobile Communications Holdings, Inc., File No. 50-DSS-MISC-94 (Oct. 20, 1994)). TRW's Waiver Request is no different in scope or intent from the requests just granted by the International Bureau, and should therefore be granted on the same terms and conditions.

LEVENTHAL, SENTER & LERMAN

Federal Communications Commission
October 27, 1994
Page - 2 -

Also enclosed are an FCC Form 159 and a check in the amount of \$1,725.00, made payable to the Federal Communications Commission, to cover the requisite filing fee. Finally, enclosed is a "Return Copy" of the Waiver Request. Please date-stamp this "Return Copy" and return it to the courier delivering this package.

Please address any questions concerning this matter to the undersigned.

Respectfully yours,



Walter P. Jacob

Enclosures

cc w/ enclosures:

Scott Blake Harris
Chief, International Bureau
Cecily C. Holiday, Esq.
Chief, Satellite Radio Branch
Common Carrier Bureau
Thomas S. Tycz
Deputy Chief, Domestic Facilities Division
Common Carrier Bureau
Attached Service List (By Mail)



TRW Space & Electronics
Group

Executive Offices
One Space Park
Redondo Beach, CA 90278
310.812.1030

Timothy W. Hannemann
Executive Vice President
& General Manager

1

October 26, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street N.W.
Room 222
Washington, D.C. 20554

Re: Request for Waiver of Section 319(d) of the
Communications Act

Dear Mr. Caton:

TRW Inc. ("TRW"), by its attorneys, hereby requests a waiver of Section 319(d) of the Communications Act of 1934, as amended (the "Act"), so that it may spend up to \$10 million to procure certain long-lead items and begin developing certain components for Odyssey,^{1/} its proposed global mobile satellite service Above 1 GHz ("MSS Above 1 GHz") system.^{2/} As TRW explains more fully below, the grant of its request would serve the public interest, convenience and necessity, and would not prejudice the outcome of any ongoing licensing or rulemaking proceeding.

TRW seeks, by means of Odyssey, to provide affordable, hand-held MSS to the public via a global, medium Earth orbit satellite system at the earliest possible date. To this end, TRW has established a program schedule that calls for the launch of the first satellite in

^{1/} "Odyssey" is a trademark of TRW Inc. Odyssey is a satellite telecommunications system which is to be comprised of a constellation of twelve satellites in medium Earth orbit.

^{2/} See Application of TRW Inc. (File Nos. 20-DSS-P-91(12) and CSS-91-015 (filed May 31, 1991), as amended ("Application").

Odyssey by 1998.^{3/} If TRW is to adhere to this program schedule, and it certainly wishes to do so, it is necessary for TRW to begin procurement activity for certain long-lead items immediately. The following long-lead items are representative of those that are encompassed by this waiver request: field programmable gate array integrated circuits; magnetic cores for power supply transformers; and high reliability electronic parts for spacecraft components. TRW will also need to spend money to commence a development program for the spacecraft's solid state power amplifiers (and associated components).

TRW estimates that these activities and undertakings will cost up to \$10 million. TRW understands and accepts that its proposed expenditure will be entirely at its own risk, and that the expenditure will not entitle TRW to any expectation of favorable Commission action on TRW's application for a license for Odyssey.

The grant of TRW's Section 319(d) waiver request will serve the public interest, convenience and necessity by ensuring that high-quality MSS Above 1 GHz services are delivered to the user public, within the United States and abroad, at the earliest possible time. The rapid development of such systems will increase the pace and intensity of competition among the providers, and thereby make the benefits of MSS Above 1 GHz service available to the public sooner, and in greater abundance.

^{3/} Pursuant to the Commission's recent Report and Order in CC Docket No. 92-166, TRW intends to file conforming amendments to its Application for Odyssey by November 16, 1994, which amendments will demonstrate TRW's financial, technical, and other basic qualifications, and will place TRW in a position to receive an MSS Above 1 GHz system license by January 31, 1995. 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, CC Docket No. 92-166, FCC 94-261, slip op. at ¶. 39 (released October 14, 1994) ("Report and Order")

Mr. William F. Caton
October 24, 1994
Page -3-

Finally, TRW notes that the Commission stated in the Report and Order that it will entertain Section 319(d) waiver requests from MSS Above 1 GHz applicants and that upon approval of an applicant's request, it will allow the applicant to commence construction of its system, including necessary components for feeder links, at its own risk.^{4/} TRW's Section 319(d) waiver request falls squarely within the scope of the Commission's invitation, and should therefore be granted.

For all of these reasons, TRW urges the Commission to grant expeditiously its request for a waiver of Section 319(d) of the Act, so that it may take important steps towards the construction of Odyssey pending the Commission's decision on TRW's application for that satellite system.

Respectfully submitted,
TRW Inc.

By: Timothy W. Hannemann
Timothy W. Hannemann
Executive Vice President

Norman P. Leventhal
Raul R. Rodriguez
Stephen D. Baruch
Walter P. Jacob
Leventhal, Senter & Lerman
2000 K Street, N.W., Suite 600
Washington, D.C. 20006
(202) 429-8970
Counsel for TRW Inc.


^{4/} Report and Order, FCC 94-261, slip op. at ¶166 n. 213.

Mr. William F. Caton
October 24, 1994
Page -4-

ANTI-DRUG ABUSE ACT CERTIFICATION

No party to this application, as defined in Section 1.2002(b) of the Commission's rules, 47 C.F.R. § 1.2002(b), is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse act of 1988, 21 U.S.C. § 853a.

TRW Inc.

By: 
Timothy W. Hannemann
Executive Vice President

Dated: October 24, 1994

FCC REMITTANCE ADVICE

FE NO. 1 OF 1

(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

| | | |
|---|--|--|
| (1) FCC ACCOUNT NUMBER 0 5 2 1 3 6 5 9 4 2 | Did you have a number prior to this? Enter it. | (2) TOTAL AMOUNT PAID (dollars and cents) \$ 1,725.00 |
|---|--|--|

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)
Leventhal, Senter & Lerman

(4) STREET ADDRESS LINE NO. 1
2000 K Street, NW

(5) STREET ADDRESS LINE NO. 2
Suite 600

| | | |
|------------------------|-------------------|-----------------------|
| (6) CITY Washington | (7) STATE D.C. | (8) ZIP CODE 20006 |
|------------------------|-------------------|-----------------------|

| | |
|--|-----------------------------------|
| (9) DAYTIME TELEPHONE NUMBER (Include area code) (202) 429-8970 | (10) COUNTRY CODE (if not U.S.A.) |
|--|-----------------------------------|

ITEM #1 INFORMATION

| | |
|---|--------------|
| (11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR TRW Inc. | FCC USE ONLY |
|---|--------------|

| | | | | |
|-------------------------------------|-------------------------|----------------------------------|---------------------|--|
| (12A) FCC CALL SIGN/OTHER ID N/A | (13A) ZIP CODE 90278 | (14A) PAYMENT TYPE CODE C X W | (15A) QUANTITY 1 | (16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 \$ 1,725.00 |
|-------------------------------------|-------------------------|----------------------------------|---------------------|--|

| | |
|------------------|------------------|
| (17A) FCC CODE 1 | (18A) FCC CODE 2 |
|------------------|------------------|

| | | |
|--|--------------------------|---|
| (19A) ADDRESS LINE NO. 1 One Space Park | (20A) ADDRESS LINE NO. 2 | (21A) CITY/STATE OR COUNTRY CODE Redondo Beach, CA |
|--|--------------------------|---|

ITEM #2 INFORMATION

| | |
|---|--------------|
| (11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR | FCC USE ONLY |
|---|--------------|

| | | | | |
|------------------------------|----------------|-------------------------|----------------|---|
| (12B) FCC CALL SIGN/OTHER ID | (13B) ZIP CODE | (14B) PAYMENT TYPE CODE | (15B) QUANTITY | (16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 \$ |
|------------------------------|----------------|-------------------------|----------------|---|

| | |
|------------------|------------------|
| (17B) FCC CODE 1 | (18B) FCC CODE 2 |
|------------------|------------------|

| | | |
|--------------------------|--------------------------|----------------------------------|
| (19B) ADDRESS LINE NO. 1 | (20B) ADDRESS LINE NO. 2 | (21B) CITY/STATE OR COUNTRY CODE |
|--------------------------|--------------------------|----------------------------------|

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

Mastercard Visa

EXPIRATION DATE: /
Month Year

(23) I hereby authorize the FCC to charge my VISA or Mastercard for the service(s)/authorization(s) herein describe.

AUTHORIZED SIGNATURE _____ DATE _____

CERTIFICATE OF SERVICE

I, Kimberly A. Moats, hereby certify that true and correct copies of the foregoing "Application for Waiver of Section 319(d) of the Communications Act" were sent by first-class postage prepaid mail this 27th day of October, 1994 to the following:

Robert A. Mazer, Esq.
Rosenman & Colin
1300 19th Street, NW
Suite 200
Washington, DC 20036
Counsel for Constellation
Communications

Robert Halperin, Esq.
William Wallace, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, NW
Washington, DC 20004-2505
Counsel for Loral/QUALCOMM
Partnership, L.P.

Leslie Taylor, Esq.
Leslie Taylor Associates
6800 Carlynn Court
Bethesda, MD 20817-4302
Counsel for Loral/QUALCOMM
Partnership, L.P.

Philip L. Malet, Esq.
Alfred M. Mamlet, Esq.
Pantelis Michalopoulos, Esq.
Steptoe & Johnson
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Counsel for Motorola Satellite
Communications, Inc.

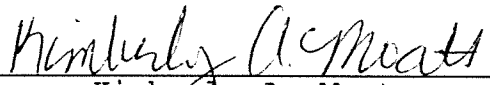
Jill Abeshouse Stern, Esq.
Jane M. Sullivan, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, DC 20037
Counsel for Mobile Communications
Holdings, Inc.

Bruce D. Jacobs, Esq.
Glenn S. Richards, Esq.
Fisher, Wayland, Cooper, Leader &
Zaragoza
2001 Pennsylvania Avenue, NW
Suite 400
Washington, DC 20006-1851
Counsel for AMSC

Dale Gallimore, Esq.
Counsel
Loral Qualcomm
7375 Executive Place
Suite 101
Seabrook, MD 20706

Lon C. Levin, Esq.
Vice President and Regulatory Counsel
AMSC Subsidiary Corporation
10802 Parkridge Boulevard
Reston, VA 22091

Gerald Hellman
Vice President
Policy and International Programs
Mobile Communications Holdings, Inc.
1120 19th Street, NW
Washington, DC 20036



Kimberly A. Moats