

COPY

LAW OFFICES
LEVENTHAL, SENTER & LERMAN
SUITE 600
2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BRIAN M. MADDEN
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
NANCY L. WOLF
DAVID S. KEIR
DEBORAH R. COLEMAN
BERNARD A. SOLNIK
NANCY A. ORY
WALTER P. JACOB
LINDA D. FELDMANN
RENÉE L. ROLAND
JOHN D. POUTASSE*

August 2, 1996

FCC/MELLON AUG 02 1996

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

SENIOR COMMUNICATIONS
CONSULTANT
MORTON I. HAMBURG

*ADMITTED MD ONLY

VIA U.S. DELIVERY SYSTEMS

147-SAT-WAV-96

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

Re: Request for Waiver under Section 319(d) (47° W.L.)

To Whom it May Concern:

Transmitted herewith on behalf of Columbia Communications Corporation ("Columbia") are the original and nine copies of its request for a waiver of prior construction authorization pursuant to Section 319(d) of the Communications Act. By this request, Columbia seeks permission to proceed with construction of a new geostationary satellite to be located at 47° West longitude.

Included with this package are a completed FCC remittance advice "Form 159" and a check payable to the "Federal Communications Commission" in the amount of \$575.00 in payment of the required filing fee. Also enclosed is a duplicate of this filing stamped "Return Copy." Please date-stamp this copy upon receipt and return it to the courier delivering this package.

Should there be any questions concerning this matter, please contact the undersigned counsel.

Respectfully submitted,


David S. Keir

FCC REMITTANCE ADVICE

ORIGINAL

PAGE NO. 1 OF

(RESERVED)

SPECIAL USE

FCC/MELLON AUG 0 2 1996

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER	Did you have a number prior to this? Enter it.	(2) TOTAL AMOUNT PAID (dollars and cents)
0 9 9 0 2 3 7 6 6 9		\$575.00

Received

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

AUG 1 2 1996

Columbia Communications Corporation

(4) STREET ADDRESS LINE NO. 1	Satellite Policy Branch International Bureau
c/o Leventhal, Senter & Lerman	

(5) STREET ADDRESS LINE NO. 2
2000 K Street, N.W., Suite 600

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

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

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR	FCC USE ONLY
Columbia Communications Commission	147-SAT-NAN-96

(12A) FCC CALL SIGN/OTHER ID	(13A) ZIP CODE	(14A) PAYMENT TYPE CODE	(15A) QUANTITY	(16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14
		C R Y	/	\$575.00

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

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

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 _____



COLUMBIA COMMUNICATIONS CORPORATION

7200 WISCONSIN AVENUE, SUITE 701 • BETHESDA, MARYLAND 20814
TELEPHONE (301) 907-8800 • FACSIMILE (301) 907-2420

August 2, 1996

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 in Connection with an Application to Construct, Launch and Operate a New Geostationary Fixed Satellite at 47° West Longitude (FCC File No. 3-SAT-P/LA 96)

Dear Mr. Caton:

Columbia Communications Corporation ("Columbia"), by its attorneys, hereby requests a waiver pursuant to Section 319(d) of the Communications Act of 1934, as amended (the "Act"), so that it may pursue financing to begin development of a new C-Band satellite at 47° W.L. As Columbia 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.

The grant of Columbia's Section 319(d) waiver request will serve the public interest by ensuring that its services are delivered to the user public at the earliest possible time. Additionally, grant of the waiver will foster the efficient use of the orbit/spectrum resource and provide satellite service that would not otherwise be offered.

Columbia currently offers video, voice and data communications capability using satellite capacity on several Tracking and Data Relay Satellite System ("TDRSS") satellites through an arrangement with the National Aeronautics and Space Administration ("NASA"). The Columbia/TDRSS satellite at 174° W.L. provides service to the Pacific Ocean Region, while the Columbia/TDRSS satellite at 41° W.L. provides service to customers in the Atlantic Ocean Region. Just recently, Columbia secured the right to provide service on

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a second TDRSS satellite in the Atlantic, TDRS-6 at 47° W.L. Commercial capacity on each of these satellites is limited to twelve C-band transponders.

There is substantial demand for satellite services in the Atlantic Ocean Region that Columbia has been unable to meet using the twelve transponder capacity on TDRS-4 at 41° W.L. In order to augment this available capacity and provide service to additional customers, Columbia has secured the right to sell or lease capacity on TDRS-6 at 47° W.L. and has been granted FCC authority to operate this space segment on a temporary basis. See Columbia Communications Corp., DA 96-1150, slip op. (Int'l Bur. released July 19, 1996).

The TDRS-4 spacecraft at 41° W.L. is expected to reach the end of its useful life shortly after the end of the decade, which will then require the TDRS-6 satellite to be shifted to 41° W.L. Launch of a new satellite at 47° W.L. at or before that time will permit Columbia to continue serving customers that agree to purchase or lease capacity at this location as Columbia continues to expand the range and scope of its video, voice and data service capabilities. The 47° W.L. orbital location is ideally suited to augment service to Columbia's existing C-band customers utilizing Columbia/TDRSS capacity at 41° W.L. Moreover, the new satellite's design will provide greater performance and capacity than the existing TDRS-6 satellite, so that its eventual launch into the 47° W.L. orbital location will provide Columbia's customers with expanded service options and capabilities.

Columbia notes that the Commission has regularly entertained Section 319(d) waiver requests, and that upon approval of an applicant's request, it will allow the applicant to commence construction of its system at its own risk. See, e.g., Satellite CD Radio, 10 FCC Rcd 10949 (1995); Earthwatch Incorporated, 10 FCC Rcd 10467 n.7 (1995); Space Imaging L.P., 10 FCC Rcd 10911 n.1 (1995). Furthermore, the Commission has declared its intention to waive the construction permit requirement for space stations entirely in a recent Notice of Proposed Rulemaking ("NPRM"). Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures, 10 FCC Rcd 10624, 10625-26 (1995). In the NPRM, the Commission stated that "waiving the construction permit requirement for space stations will provide industry with increased flexibility in their long-term business planning, the construction of their space stations, and their delivery of services." *Id.* at 10626. In the current case, grant of the Section 319(d) waiver would achieve all of these goals — enhancing Columbia's ability to solicit financial backing, expediting construction of its space station, and fostering the earliest possible delivery of expanded service to the public.

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In this regard, it is significant that Columbia is not a satellite company with no track record, but an established service provider in the international satellite marketplace with a need to continue serving its existing customers and to expand its service capabilities to remain competitive in the marketplace. As a going concern, Columbia has a demonstrated history of generating revenues (which are shared with the U.S. Treasury under Columbia's contract with NASA), providing both a source of internal funding and the resources to which the investment community will look for assurances of the company's financial health.

Columbia acknowledges and accepts that its proposed expenditure will be entirely at its own risk. Columbia further understands that the expenditure will not entitle Columbia to any expectation of favorable Commission action on Columbia's application for a license.

For all of these reasons, Columbia urges the Commission to grant expeditiously its request for a waiver under Section 319(d) of the Act, so that it may take steps toward the construction of a new satellite at 47° W.L. pending the Commission's decision on Columbia's application for full authority to construct, launch and operate that satellite.

Respectfully submitted,

COLUMBIA COMMUNICATIONS CORP.

By: 
Kenneth Gross
Chief Operating Officer

Of Counsel:

Raul R. Rodriguez
David S. Keir
Leventhal, Senter & Lerman
2000 K Street, N.W., Suite 600
Washington, D.C. 20006
(202) 429-8970