

# SWIDLER BERLIN LLP

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**VIA COURIER**

November 14, 2005

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc.  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

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Federal Communications Commission  
Office of Secretary

**Re: NewCom International, Inc. Motion for Extension of Time**

Dear Ms. Dortch:

NewCom International, Inc. ("NewCom"), through its undersigned counsel and pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, hereby requests an extension of time to file an amendment to its pending earth station application (SES-MFS-20041206-01790, as amended by SES-AFS-20050114-00050) as required by Section 25.137 of the Commission's rules.<sup>1</sup> Specifically, NewCom seeks a 60-day extension of the November 18, 2005 deadline.<sup>2</sup>

Under the Commission's rules and pursuant to the Commission's recently released Orbital Debris Public Notice, earth station applicants with a pending application for authorization to access as a point of communication a non-U.S. licensed space station are required to amend their application to provide a narrative description of the space stations operator's plans to mitigate orbital debris.<sup>3</sup> NewCom's pending earth station application requests authorization to access the Express 3A Russian satellite to provide data services to Cuba, and, as part of its application, NewCom included certain orbital debris mitigation information as Exhibit B. The Commission's Orbital Debris Public Notice requires applicants, such as NewCom, to include additional information in its application. Accordingly, NewCom intends to amend its application to provide the required narrative description.

<sup>1</sup> See also, *Mitigation of Orbital Debris*, Second Report and Order, 19 FCC Rcd 11567 (2004).

<sup>2</sup> *Disclosure of Orbital Debris Mitigation Plans, Including Amendment of Pending Applications*, Public Notice, DA 05-2698 (October 13, 2005) ("Orbital Debris Public Notice") (setting a November 18, 2005 deadline).

<sup>3</sup> 47 C.F.R. § 25.137.

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As noted in NewCom's application, NewCom does not own or operate the Express 3A satellite. Therefore, it does not have readily available the required orbital debris mitigation information, but must instead seek such information from the Russian Federation Government. NewCom is working diligently to obtain the requisite information and, in fact, will be in Russia this week as part of these efforts. NewCom is coordinating with the Russian Federation to obtain an English language version of the Russian debris mitigation rules, and any other information required by the FCC that might not be contained in those rules. Obtaining such information, however, can be a time-consuming process and, at this time, NewCom is uncertain whether it will have all the information it needs from the Russian Federation by November 18, in order to amend its application as required by the Commission's rules. Therefore, NewCom respectfully requests a 60-day extension to submit the space station operator's plans to mitigate orbital debris.

An original and four (4) copies are enclosed for filing. Please date-stamp the enclosed extra copy, and return it to the undersigned. Please do not hesitate to contact us if you have any questions regarding this matter

Respectfully submitted,



Kathy L. Cooper  
Troy F. Tanner  
Danielle C. Burt

cc: Scott Kotler (FCC)