

Description of Application

Pursuant to the Commission's rules, 47 C.F.R. §§ 25.116 and 25.117(c), LightSquared Subsidiary LLC ("LightSquared"), formerly SkyTerra Subsidiary LLC, hereby requests that the FCC further extend the deadline for construction completion and commencement of operations of LightSquared's gateway earth stations (Call Signs E080030 and E080031) for three months until January 31, 2011.¹ The proposed deadline coincides with LightSquared's pending request to extend the launch and operate milestone deadline for SkyTerra 1, the satellite with which the earth stations have authority to communicate.² Construction of the ground infrastructure (i.e. buildings, generators, UPS, and HVAC) at the gateway facilities for the satellite network is complete; all of the radiofrequency equipment has been installed; and the Ground Based Beam Forming ("GBBF") equipment has been installed at both the Napa and Cedar Hill gateway facilities.³ However, as a result of unforeseeable circumstances beyond LightSquared's control, which are explained in more detail in LightSquared's filings in File Nos. SAT-MOD-20100405-00064 and SAT-AMD-20100908-00191,⁴ SkyTerra 1 is expected to launch in November 2010.⁵ Because LightSquared can not certify to the

¹ LightSquared previously requested an extension of the May 26, 2010 deadline until October 31, 2010, as a result of manufacturing delays associated with SkyTerra 1. *See* Application, File Nos. SES-MOD-20100405-00400 to 401 ("Extension Application"). LightSquared does not in this application modify the basis for that extension.

² *See* File No. SAT-MOD-20100405-00064 (filed April 5, 2010) and SAT-AMD-20100908-00191 (filed September 8, 2010). The gateway authorizations also permit communications with the currently-operational MSAT satellites for testing purposes. These satellites operate on only 400 MHz of the approximately 865 MHz of feeder link spectrum (uplink and downlink) authorized for use by SkyTerra 1 and the gateway earth stations. Accordingly, it is not clear whether LightSquared could certify as to commencement of operations based on communications with the MSAT satellites.

³ LightSquared and its joint venture partner SkyTerra (Canada) Inc. have also completed construction of gateway facilities in Ottawa, Ontario and Saskatoon, Saskatchewan.

⁴ LightSquared incorporates by reference its filings in these proceedings.

⁵ To allow for the possibility of minor scheduling delays and because LightSquared does not control the launch manifest, LightSquared has requested an extension of the satellite milestone until January 31,

commencement of operations of the gateways until after SkyTerra 1 is launched and operating, LightSquared requests extension of the construction and commencement of operation deadline until January 31, 2011.⁶

2011, rather than a date closer to the November 2010 launch window, to provide some flexibility in the launch date. For the same reasons, LightSquared seeks the same flexibility with respect to the construction of its gateway earth stations.

⁶ In the event that the Commission finds that LightSquared has not satisfied the standard for an extension of the earth station construction and commencement of operation milestone, LightSquared requests partial waiver of the FCC's rules to permit the requested additional time to comply with the requirement. 47 C.F.R. § 1.3 (Commission may waive its rules for good cause); *see also WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Telephone Co., LP v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990). As explained in the pending proceeding regarding the extension of the milestone for the launch and operation of SkyTerra 1, LightSquared's evidence of substantial construction of its satellite network demonstrates good cause for a waiver. LightSquared could neither foresee nor control the cause of the satellite construction delay, and the public interest would be served by allowing the completed satellite to become operational.