

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Satellite Access Corporation )  
)  
Application for One Million Receive Only Earth )  
Stations to Situated Throughout the Continental )  
United States and Served by Foreign In-Orbit )  
DTH Satellites )  
)  
Application for Transmit/Receive Uplink Facility )  
to Communicate with Foreign In-Orbit DTH )  
Satellites )  
)  
DirecTV Enterprises, LLC )  
)  
Request for Special Temporary Authority to )  
Relocate Direct Broadcast Satellite from Storage )  
Orbit to Canadian Broadcast Satellite Service )  
Orbital Location )

File No. SES-LIC-20030605-00844

Int'l Bureau

DEC 08 2003

File No. SES-LFS-20031124-01689

Front Office

SAT-STA-20030903-00300

**MOTION TO DESIGNATE PROCEEDINGS AS "PERMIT-BUT-DISCLOSE"**

Satellite Access Corporation and its parent company, Pegasus Development Corporation, (collectively, "Pegasus") hereby request that the Commission designate the *ex parte* status of the above-captioned proceedings as "permit-but-disclose."<sup>1</sup> Pursuant to the Commission's rules, "[w]here the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice." 47 C.F.R. § 1.1200(a).

Pegasus has submitted earth station applications to provide two-way broadband data and video services in the United States using Canadian-licensed direct broadcast satellites ("DBS")

<sup>1</sup> Pegasus is serving all parties to the above-captioned proceedings with this request.

located at 82°W and 91°W.<sup>2</sup> Pegasus' applications are virtually identical to the application filed by Digital Broadband Applications Corp. in January 2002, which was designated as "permit-but-disclose."<sup>3</sup> Because Pegasus' applications raise the same "intricate legal and technical issues," the Commission should designate the *ex parte* status of the applications as "permit-but-disclose."<sup>4</sup>

The Pegasus applications are also indirectly affected by the request by DirecTV Enterprises, LLC ("DirecTV") for special temporary authority to relocate DirecTV 3 to 82°W.<sup>5</sup> Because DirecTV's application raises issues that are intertwined with Pegasus' applications, the Commission should designate the STA proceeding as "permit-but-disclose."

Moreover, all of the above-referenced proceedings are relevant to the pending application of General Motors Corporation, Hughes Electronics Corporation, and The News Corporation Limited for authority to transfer control of FCC authorizations. *See generally*, MB Docket No. 03-124. That proceeding has also been designated "permit-but-disclose." *See* Public Notice, DA 03-1725 (May 16, 2003).

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<sup>2</sup> *See* File No. SES-LIC-20030605-00844 (June 5, 2003); SES-LFS-20031124-01689 (November 24, 2003).

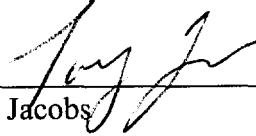
<sup>3</sup> Report No. SAT-00100 (January 25, 2002).

<sup>4</sup> *Id.* at 2.

<sup>5</sup> *See* SAT-STA-20030903-00300 (September 3, 2003); *see also* Comments of Digital Broadband Application, SAT-STA-20030903-00300 (October 27, 2003).

Based on the foregoing, Pegasus respectfully requests that the Commission designate the *ex parte* status of the above-captioned proceedings as “permit-but-disclose.”

Respectfully submitted,



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*Counsel for Pegasus Development Corporation*

December 8, 2003

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION TO DESIGNATE PROCEEDINGS AS "PERMIT-BUT-DISCLOSE" was sent via U.S. mail, first-class or by hand-delivery (\*), on this 8<sup>th</sup> day of December 2003, to the following:

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