

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 28 2002

OFFICE OF  
MANAGING DIRECTOR

James U. Troup, Esquire  
Adrian B. Copiz, Esquire  
McGuireWoods LLP  
1050 Connecticut Avenue, N.W.  
Suite 1200  
Washington, DC 20036-5317

86-285

RE: WNet Holdings, Inc., (FRN 0005088265) Request for Waiver and  
Deferral of Application Fees, Fee Control No., 0201148160054003

Dear Messrs. Troup and Copiz:

This is in response to your letter dated January 11, 2002, with which you submitted a fee of \$7,510 for an initial application fee associated with an application for a Fixed Satellite Very Small Aperture Terminal (VSAT) System. You request that the Commission accept that fee, and thereafter waive and defer payment of individual fees for each of 999,999 receive-only earth stations. Combined with the request for waiver is the substantive application by WNet Holdings, Inc. (WNet), for Commission authorization for a system that includes a transmit-receive earth station, two non-U.S. licensed space stations and the million receive-only earth stations. For the reasons below, we grant your request for a waiver, and find that the amount paid is consistent with the Commission's decision to permit a blanket application fee for this matter.

WNet intends to operate a transmit/receive earth station that will uplink to a non-U.S. licensed space station located at 91.0 degrees W.L. and a non-U.S. license space station that is (as of the date of the application) under construction,<sup>1</sup> but will be located at 82.0 degrees W.L. The Canadian government administers both non-U.S. licensed space stations. These components provide the signal to be received by the one million receive-only earth stations for which WNet requests a fee waiver. Section 25.137 of the Commission's rules (47 CFR § 25.137) provides the procedures applicants use to request authority to operate such a system with a non-U.S. licensed space station. In that regard, the Commission held that in order to provide regulatory control for the transmissions entering the United States, it would license the receive-only terminal(s). Such a process provides a means to control interfering transmissions into the United States and to provide a vehicle by which to evaluate effective competitive opportunities in foreign markets as

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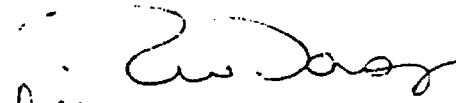
<sup>1</sup> Our discussion and decision is limited to the question whether WNet paid the correct fee or whether, as the request is framed, the Commission should grant a waiver of the correct fee. Consequently, our comments and decision do not extend to the substantive issues of the application and/or whether the status of the second space station could result in the dismissal of the application as premature. Cf. *Opinion and Order, Application of Telquest Ventures, L.L.C.*, 16 FCC Rcd. 15026 (2001), *affirming Report and Order, Applications of Telquest Ventures, L.L.C.*, 11 FCC Rcd. 8151 (1996) (International Bureau dismissed, without prejudice, earth station application by Telquest Ventures, L.L.C. and Western TeleCommunications, Inc., to provide Direct Broadcast Satellite Service using transponders on satellites in Canadian orbital locations that at the time were not yet issued licenses.)

well as other public interest considerations.<sup>2</sup> Mindful of the potential burden applicable to those requesting authorization, however, the Commission held "we will permit applicants to request 'blanket' licenses for large numbers of technically identical receive-only antennas, such as home 'dishes.' Blanket applications may be filed by the space station operator, the service supplier, the equipment manufacturer, or the electronics retailer."<sup>3</sup> WSNNet's application involves the class of technically identical receive-only antennas described by the Commission. In that regard, the Commission's application fee for comparable blanket applications<sup>4</sup> is the same as the fee for the VSAT.<sup>5</sup>

Consequently, the fee paid in connection with the application for a waiver is accepted, and we grant WSNNet's request for a waiver.

If you have any questions concerning this letter, please call the Revenue and Receivable Operation Group at (202) 418-1995.

Sincerely,

  
for Mark A. Reger  
Chief Financial Officer

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<sup>2</sup> *Report and Order, Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, FCC 97-399, 12 FCC Rcd. 24094, 24180-181 (1997).

<sup>3</sup> *Id.* at 24180-181, ¶ 204.

<sup>4</sup> 47 CFR § 1.1107.7.a. (\$7,510).

<sup>5</sup> 47 CFR § 1.1107.6.a. (\$7,510).