

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 2.106)	
of the Commission's Rules to)	ET Docket No. 92-28
Allocate Spectrum to the)	
Mobile-Satellite Service above)	PP-29
1 GHz for Low-Earth Orbit)	PP-30
Satellites -- Requests for)	PP-31
Pioneer's Preference by)	PP-32
Constellation, Ellipsat,)	PP-33
Loral, Motorola, and TRW.)	
Amendment of Parts 2, 22 and)	
25 of the Commission's Rules)	
for an Allocation of Fre-)	RM-7927
quencies for a New Nationwide)	
Hybrid Space/Ground Cellular)	PP-28
Network for Personal Mobile)	
Communications -- CELSAT)	
Petition and Request for)	
Pioneer's Preference.)	

ORDER DENYING AN EXTENSION OF TIME FOR COMMENTS AND REPLIES

Adopted: March 25, 1992

Released: March 27, 1992

By the Office of Engineering and Technology:

1. On March 13, 1992, Loral Qualcomm Satellite Services, Inc. (Loral) requested that the time for filing comments in the above-captioned proceedings be extended from April 8, 1992 to May 8, 1992 and the time for filing reply comments be extended from April 23, 1992 to May 27, 1992.

2. In its request, Loral maintains that an extension of time is warranted for several reasons. First, that due to the relatively recent promulgation of the pioneer's preference rules and reconsideration order, more time is needed to fully understand and analyze these rules. Second, that public comment on license applications and rule making petitions on which the pioneer's preference requests rely resulted in complex and voluminous pleadings that need to be analyzed. Third, that key personnel who participated in the 1992 World Administrative Radio Conference (WARC-92) have returned only recently from the conference and require additional time to prepare comments. Finally, that the results of the WARC-92 have not been released.

3. With regard to the freshness of our Pioneer's Preference rules, the Report and Order adopting these rules was released on April 9, 1991.¹ Our recent reconsideration Order regarding these rules was released on February 26, 1992, and resulted in only minor procedural amendments and clarifications to rules that have been in effect since July 30, 1991. Comment already has been received on over 25 pioneer's preference requests that address other subjects without any apparent difficulty in understanding the rules. Therefore, we fail to discern any need for additional time to understand the pioneer's preference rules.

4. With regard to the pending rule making petitions in ET Docket No. 92-28,² these petitions were filed between June and November 1991 and at least a significant portion of any relevant analysis was performed and submitted in late 1991 in the form of comments to these petitions.³ In addition, further detailed analyses of the same or similar issues recently have been submitted by parties responding to a public notice issued on October 24, 1991 accepting related license applications for public comment.⁴ We recognize that the response comment period in the licensing matter recently was extended to March 27, 1992. However, the parties have 12 days after filing response comments in the licensing proceeding to submit comments in the above captioned proceedings. Since the issues in the licensing and rule making proceedings to a significant degree are analogous to the issues raised by their associated pioneer's preference requests, the established deadlines should be helpful to parties by requiring related comments by different but proximate dates. Thus, we conclude that the filing deadlines at issue are reasonable.

5. We come to the same conclusion with regard to the standard filing period established for the petition and pioneer's

¹ See Report and Order, GEN Docket No. 90-217, 6 FCC Rcd 3488 (1991), recon., Memorandum Opinion and Order, released February 26, 1992, FCC No. 92-57.

² Petitions for rule making to establish a low-Earth orbit mobile-satellite service above 1 GHz were filed by Constellation, Inc. (Constellation), Ellipsat Corporation (Ellipsat), Loral Qualcomm Satellite Service (Loral), Motorola Satellite Communications, Inc. (Motorola), and TRW Inc. (TRW)

³ See Public Notice, Report No. 1855, released August 13, 1991, regarding the Constellation and TRW petitions; Public Notice, Mimeo No. 14747 released September 13, 1991, extending the comment deadlines for the Constellation and TRW petitions and accepting the Ellipsat petition; and Order Extending Time for Reply Comments, DA number 91-1340, released October 25, 1991.

⁴ See Public Notice, Report No. DS-1134, released October 24, 1991.

preference request of CELSAT Inc. (CELSAT). Indeed in its request for extension of time, Loral indicates that it has analyzed CELSAT's filings and decided to oppose CELSAT "for numerous reasons".⁵ Having already analyzed these filings and determined its position, Loral has demonstrated that it does not require an extension of time in that proceeding.

6. Further, given that WARC-92 closed on March 3, 1992, any participant has more than thirty days after close of that Conference to submit comments in these proceedings. The Conference adopted an international allocation for LEO operations above 1 GHz, and most of the petitions for rule making and requests for pioneer's preference have been held in abeyance pending this event. The Commission now is in a position to ensure a complete record as a basis for its decisions and to act on these requests without further delay.⁶

7. The Commission does not routinely grant extensions of time.⁷ Based upon the above facts and the totality of the circumstances, we find that the customary comment period established for comment in the above referenced proceedings is reasonable. We are not persuaded that further delays in these proceedings are justified by any of the reasons stated. Accordingly, IT IS ORDERED, that the request to extend the deadlines for filing comments and reply comments in these proceedings IS DENIED.

8. This action is taken pursuant to authority found in §§ 4 (i), 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i), 302, and 303, and pursuant to §§ 0.31 and 0.241 of the Commission's Rules, 47 C.F.R. §§ 0.31 and 0.241. For further information contact Ray LaForge, Office of Engineering and Technology, (202) 653-8117.

Federal Communications Commission



Thomas P. Stanley
Chief Engineer

⁵ Loral's request for extension of time, having addressed the merits of the CELSAT petition for rule making and associated request for pioneer's preference, is being placed in the RM-7927 and associated PP-28 public files.

⁶ The Final Acts of the World Administrative Radio Conference (WARC-92) at Malaga-Torremolinos (including the addendum and corrigendum) were publicly available by March 17, 1992. They can be obtained from the Downtown Copy Center at (202) 452-1422.

⁷ 47 C.F.R. § 1.46.