

BUCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

CREDIT & DEBT MANAGEMENT  
DIRECTOR OMD

OCT 18 2000

OFFICE OF  
MANAGING DIRECTOR

86-285

Jan M. Lowe  
Long Distance Consolidated Billing Co.  
145 S. Livernois, Suite 199  
Rochester, MI 48307

RE: Request for Waiver of Regulatory Fee, Late Fee  
Long Distance Consolidated Billing Co., Rochester, MI.  
Fee Control No. 9809298835093020

Dear Ms. Lowe:

This is in response to your above-styled request of December 12, 1998, to waive the regulatory late fee of \$270 imposed upon the late payment of the applicable annual regulatory fee for Long Distance Consolidated Billing Co.

Title 47, United States Code, section 159(c) and Commission rule 47 CFR §1.1164 impose a penalty for untimely payment equal to 25% of the amount of the regulatory fee. The penalty may be excused only where the delay resulted from bank error "as evidenced by an affidavit of an officer of the bank" (47 CFR §1.1164(b)).

You provided a copy of your shipping label indicating the fee was furnished to Airborne Express on September 17, 1998 for express next day delivery. Airborne Express' tracking history does not confirm your information. According to their records, Airborne accepted the package on air bill number 3131655682 on "9/25/98" (a Friday) and delivered to the Commission's lock box address on Monday, "9/28/98." Accordingly, the evidence indicates that your company submitted payment after the payment period expired. The delay appears to be the result of internal processing and not bank error. Accordingly, the Commission denies your request for a waiver. Please pay the late fee, \$270, within 30 days from the date of this letter. If you have any questions concerning this letter, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

9804298835043020

**Long Distance Consolidated Billing Co.**

145 S. Livernois/Suite 199/Rochester, MI 48307/(248)393-2394/Fax#(248)393-2395

RECEIVED  
JAN 14 1999  
RECEIVED

December 12, 1998

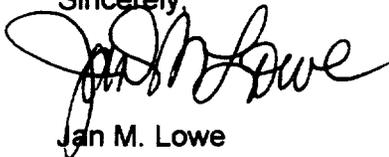
Ms. Regina W. Dorsey  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20024

Dear Ms. Dorsey:

This letter is in response to your letter regarding Long Distance Consolidated Billing Company's 1998 annual regulatory fee delinquent payment. I spoke with Cynthia from your office on 12/10/98 and she stated that I should send a copy of my shipper to you so that the delinquent payment could be waived. I have attached a copy of the shipper for your review.

Please let me know if this meets with your approval. If you have any questions please call me at the above number.

Sincerely,



Jan M. Lowe

/jl

Attachment

# Payment Transactions Detail Report

Date: 12/20/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9809298835093020	LONG DISTANCE CONSOLIDATED BIL 145 S LIVERNOIS SUITE 199  ROCHESTER MI 48307	FCC2063728		9/28/1998 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,080.00	\$1,080.00	1	COD8	981445	809245	LONG DISTANCE CONSOLIDATED BIL	48307		\$1,080.00	1	PMT
<b>Total</b>	<b>1</b>								<b>\$1,080.00</b>		

# Long Distance Consolidated Billing Co.

145 S. LIVERNOIS Suite 199  
ROCHESTER, MI 48307  
PHONE # (248) 393-2394  
FAX # (248) 393-2395

## FAX COVER SHEET

DATE: 1/7/00 TIME: \_\_\_\_\_

TO: Tom Putton PHONE: \_\_\_\_\_  
FAX: (202) 418-2843

FROM: LONG DISTANCE CONSOLIDATED BILLING CO.

PHONE: (248) 393-2394 FAX: (248) 393-2395

FROM: Jon Love

CC: \_\_\_\_\_

Number of page (s) including cover sheet: 2

IF TRANSMISSION IS INCOMPLETE, PLEASE CALL (248) 393-2394

### Message

Attached is a copy of the shipment sent to Ms. Dorsey over a year ago. I apologize for not being available to take your call. Thanks - Jon Love

LONG DISTANCE  
 CONSOLIDATED BILLING  
 2707 WAREING DR  
 State

KE ORJUN  
 (Name/Dept) MI  
 Phone Number

TD (Company)  
 Federal Communications Commission  
 at Address

Box 358835  
 State PA  
 Hsbueck  
 (Name/Dept) Phone Number (Important)

Regulatory Fees  
 (Description)

THANK YOU FOR SHIPPING WITH AIRBORNE EXPRESS  
 Date 9-17-98  
 Signature M. J. Jackson  
 Route No. Date Time

www.airborne.com

6814021 FNT 3131655682

Method of Payment Assumed sender unless otherwise noted  
 Bill Sender ▶ 153551569 Airborne Sender account no.  
 Bill Receiver ▶ Airborne Receiver account no.  
 Bill 3rd Party ▶ Airborne Customer account no.  
 Paid in Advance Check Amount \$  
 Billing Reference will appear on invoice

NO OF PGS: 1  
 WE OF LBS: 1  
 CHECK IF  
 LETTER EXPRESS  
 EXPRESS PACK

Special Instructions  
 Saturday Delivery Extra Charge Express Only No postage to add feature  
 Hold at Airborne  
 Lab Pack

Declared Value Full Insurance Shipment Valuation  
 or  \$

Received At  
 Drop Box #  Airborne Terminal

Service Type  
 One box must be checked with an "X". Assumed Express Service unless otherwise noted.  
 Next Morning (1st AM) (1st AM) (1st AM)  
 Next Afternoon (1st PM) (1st PM) (1st PM)  
 Second Day (1st PM) (1st PM) (1st PM)

ASSEMBLE A NUMBER 3-SHIPMENT VALUATION. CARRIER'S LIABILITY IS LIMITED TO \$100 PER PACKAGE, OR ACTUAL VALUE, WHICHEVER IS LESS. SPECIAL OR CONSEQUENTIAL DAMAGES ARE NOT RECOVERABLE. SEE TERMS AND CONDITIONS ON REVERSE SIDE OF THIS NON-NEGOTIABLE AIRBILL. SCAC AIRB.FED.L.D. NO. 81-002/989

**AIRBORNE EXPRESS**

PO BOX 882, SEATTLE, WA 98111-0882

Jan-07-00 12:53P

P.02

DOCKET FILE COPY ORIGINAL  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554  
OCT 18 2000

CREDIT & DEBIT MANAGEMENT  
GROUP, OMD

OFFICE OF  
MANAGING DIRECTOR

86-285

John P. Stern, Esquire  
Loral Space & Communications Ltd.  
1755 Jefferson Davis Highway  
Suite 1007  
Arlington, Virginia 22202-3501

Re: Loral Space & Communications, Ltd.  
Fee Control # 9811178210289001

Dear Mr. Stern:

This responds to the request of Loral Space & Communications, Ltd. ("Loral SpaceCom") for a refund of the \$6,390.00 fee payment it submitted in connection with its application to extend construction completion and launch milestones of its Telestar 9 satellite.

Specifically, in 1997, section 1.1107(9)(g) specified a fee of \$610 for "extension of construction permit/launch authorization" of geostationary space stations. In 1998, at the time Loral SpaceCom filed the instant application, however, the fee schedule was adjusted upward so that the fee of \$610, had it not been deleted, would have been \$640.

In the absence of a specified fee, and upon the advice of the International Bureau staff, Loral SpaceCom submitted with its instant application a \$6,390.00 payment, the fee specified under section 1.1107(9)(c) for space station modifications. However, Loral SpaceCom maintains that it is not appropriate to apply the modification application fee to an extension application, because a modification application is more complicated, requires greater Commission analysis and effort, and is more likely to be opposed. Loral SpaceCom further maintains that "the deletion of section 1.1107(9)(g) eliminates the requirement to pay a fee for milestone extensions." Accordingly, Loral SpaceCom requests refund of its \$6,390.00 fee payment.

The statutory fee schedule specifies a fee for each "extension of construction permit/launch authorization" request. See 47 U.S.C. § 158(g), Common Carrier Services, 16g. In implementing 47 U.S.C. § 158, the Commission stated that "changes to this new Schedule of Charges may come only in accordance with the new provisions of the Communications Act or through the passage of new legislation." See *Establishment of Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, FCC No. 86-301 (July 9,

1986) (WESTLAW, FCOM-FCC library). Thus, absent congressional action, the Commission will not purposely add to or delete from the statutorily established categories of feeable items.

Our review of Loral SpaceCom's request discloses that, in fact, the Commission's recent fee schedules inadvertently omitted the applicable fee for extensions. In the future, the Commission will amend its fee schedule to reinstate the applicable fee.

However, in the interim, as the statutory fee schedule has retained the applicable fee category, Loral SpaceCom remains subject to the fee requirement. Loral SpaceCom is entitled to a refund of \$5,750.00, the difference between the \$6,390.00 it paid and the applicable \$640.00 fee it should have paid.

Accordingly, Loral SpaceCom's request for refund is granted in part. A check made payable to the maker of the original check and drawn in the amount of \$5,750.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', written in a cursive style.

 Mark A. Reger  
Chief Financial Officer

9810228210285001

*Regina D.  
R. nam*



Space & Communications, Ltd.

1755 Jefferson Davis Hwy.  
Suite 1007  
Arlington, VA 22202-3501  
(703) 414-1060  
Fax: (703) 414-1079

John P. Stern  
Associate General Counsel

October 21, 1998

Andrew S. Fishel  
Managing Director  
Office of Managing Director  
Federal Communications Commission  
Room 852, Stop Code 1100  
Washington, D.C. 20554

RECEIVED

OCT 22 11 03 AM '98

ASSOC. MGR. DIR.  
FINANCIAL OPERATIONS  
(COMM. FE)

Re: Request for Partial Refund of Fee for Application to  
Extend Milestone

Dear Mr. Fishel:

Pursuant to Section 1.1117 of the Commission's Rules, 47 C.F.R. § 1.1117, Loral SpaceCom Corporation ("Loral SpaceCom"), respectfully requests an expedited partial refund (\$5,750) of the \$6,390 fee that Loral SpaceCom is submitting today with its request to extend the launch milestone for its Telstar 6 satellite.

Prior to September 14, 1998, the Commission's schedule of charges (found at 47 C.F.R. §§ 1.1101-1109) included a category under § 1.1107(9)(g) for "extension of construction permit/launch authorizations" which was \$610 per request. However, the Commission's recent revisions to its schedule have, possibly inadvertently, eliminated this fee category.

It is unclear why the milestone extension fee category was eliminated. Satellite licensees are still subject to construction and launch milestones, established pursuant to Commission Orders. In certain cases, as described in Loral SpaceCom's application, unanticipated circumstances necessitate an extension of these milestones. The "extension of construction permit/launch authorizations" fee category, therefore, is still relevant.

In light of the unexplained omission of the launch milestone fee category, Loral SpaceCom is filing a fee of \$6,390 pursuant to § 1.1107(9)(c) (space station modifications) which is the closest remaining fee category that could even be deemed to apply to this application. However, milestone extension requests are usually short, often unopposed and relatively easy for the

Andrew S. Fishel  
October 21, 1998  
Page 2

Commission to act upon. Modification applications, on the other hand, usually involve much more detailed technical analysis and Commission effort. Accordingly, Loral SpaceCom requests that the Commission refund the difference (\$5,750) between the fee which it has paid and which is required for space station modifications (\$6,390) and the fee that would be required had the FCC retained the launch milestone extension category (\$640).

If you have any questions regarding this waiver request, please contact the undersigned. Thank you for your prompt consideration of this matter.

Respectfully submitted,



John P. Stern

cc: Tom Holleran  
Regina Dorsey  
Tom Sullivan  
Kathleen Campbell

# WILLKIE FARR & GALLAGHER

Washington, DC  
New York  
London  
Paris

October 21, 1998

Magalie R. Salas, Secretary  
Federal Communications Commission  
International Bureau - Satellites  
P.O. Box 358210  
Pittsburgh, PA 15251-5210

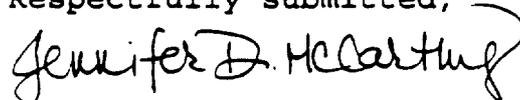
Re: Loral SpaceCom Corporation Request for Launch  
Milestone Extension for Telstar 6 Satellite

Dear Ms. Salas:

Loral SpaceCom Corporation, by its attorneys, hereby submits an original and nine copies of an application on Form 312 to extend the launch milestone associated with the Telstar 6 satellite. Since the Commission's Rules at 47 C.F.R. § 1.1107(9)(c) request a Form 312 for a modification and the Commission's Rules at 47 C.F.R. § 25.117(e) state that an application for modification of an authorization to extend a required date of completion shall be filed on FCC Form 701, an original and nine copies of Form 701 are attached as well.

Also enclosed is a completed Form 159 and a check in the amount of \$6,390.00 to cover the applicable filing fee.

Respectfully submitted,



Philip L. Verveer  
Jennifer D. McCarthy

cc: Fern Jarmulnek  
Cassandra Thomas  
Rosalee Chiara  
Kathleen Campbell

EXHIBIT C

Loral SpaceCom Corporation ("Loral SpaceCom"), a Delaware corporation, is a wholly-owned subsidiary of Loral Space & Communications Corp., also a Delaware Corporation. Loral Space & Communications Corp. is a wholly-owned subsidiary of Loral Space & Communications Ltd ("Loral"), a Bermuda company which is publicly traded on the New York Stock Exchange. The Commission has determined that Loral's home market is the United States.<sup>1</sup>

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<sup>1</sup> In re Application of Loral SpaceCom Corp., 12 FCC Rcd. 925 (1997).

BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

In the Matter of )  
 )  
LORAL SPACECOM CORPORATION )  
 ) File No. \_\_\_\_\_  
Application for Extension of )  
Milestone Date )

APPLICATION FOR MILESTONE EXTENSION

Because of the unexpected need to replace potentially faulty traveling wave tubes ("TWTs") on Telstar 6, Loral SpaceCom Corporation ("Loral SpaceCom") requests an extension of the launch date for that satellite at 93° W.L. from November 1, 1998 to June 30, 1999.

On May 7, 1996, the International Bureau granted AT&T Corp. authority to construct, launch and operate two hybrid C/Ku-band spacecraft at 93° W.L. and 69° W.L. and to construct a ground spare.<sup>1</sup> Construction of the Telstar satellites was timely commenced. However, on January 11, 1997, the Telstar 401 spacecraft suffered a catastrophic on-orbit failure. To meet the

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<sup>1</sup> In re Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service, Order and Authorizations, 11 FCC Rcd. 13788 (1996); In re Applications of AT&T Corp., Memorandum Opinion and Order, 11 FCC Rcd. 15038 (1996) ("the Order"). See also In re Application of AT&T Corp. and Loral SpaceCom Corp., Order and Authorization, 12 FCC Rcd. 925 (1997) (granting AT&T the authority to assign the authorizations used in the Skynet® Satellite Services business from AT&T Corp. to Loral SpaceCom).

capacity needs of Telstar 401's then-displaced customers, Loral SpaceCom was compelled to designate the satellite from its group of newly authorized satellites that was nearest completion as the ground spare and use it as the replacement for the failed Telstar 401.<sup>2</sup> The failure of Telstar 401 and the need to use one of the satellites under construction as the ground spare/replacement delayed the construction and launch schedule for the satellites to be placed at 93° W.L. and 69° W.L.

As a result, Loral SpaceCom sought an extension for the satellite to be placed at 93° W.L. (Telstar 6) and planned to launch that satellite on or before November 1, 1998.<sup>3</sup> The fully-constructed Telstar 6 was delivered to its launch destination at the Baikonur Space Center in Kazakhstan. However, component provider AEG of Germany recently informed Space Systems/Loral (SS/L), the satellite's manufacturer, that the TWTs in the satellite assembly may be susceptible to thermally induced fatigue.

In order to ensure that performance and reliability specifications are met, Telstar 6 had to be returned to the SS/L factory in Palo Alto, California to have its Ku-band TWTs replaced. Loral SpaceCom anticipates that the TWT replacements,

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<sup>2</sup> In re Application of Loral SpaceCom Corp. for Authority to Launch and Operate a Ground Spare Satellite, Order and Authorization, 1998 FCC LEXIS 2346 (1998).

<sup>3</sup> In re Application of Loral SpaceCom Corp. for Extension of Milestone Dates, File No. 57-SAT-MP/ML-97 (filed April 11, 1997). This application remains pending and is unopposed. The extension application requested a launch milestone of November 1, 1998.

testing, and launch of Telstar 6 can be completed by June 30, 1999. Even with this extension, Loral SpaceCom will still meet the Commission's traditional requirement that satellite operators build their systems within five years of license grant.<sup>4</sup>

Loral SpaceCom's request satisfies the Commission's criteria for granting an extension of milestone dates. The Commission has granted requests for milestone extensions "when delay in implementation is due to circumstances beyond the control of the licensee"<sup>5</sup> and grant will further the public interest.<sup>6</sup> The discovery by AEG of potentially faulty TWTs on Telstar 6 and the need to replace them was an unforeseen circumstance beyond Loral SpaceCom's control. The Commission has previously granted extensions in cases where unanticipated technical problems have threatened the successful performance of a satellite.<sup>7</sup> It would be inadvisable to attempt to launch now and risk a satellite failure when the parts at issue can be replaced and the satellite re-tested and launched in a relatively short period of time.

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<sup>4</sup> See In re Licensing Space Stations in the Domestic Fixed-Satellite Service, Report and Order, 58 RR2d 1267 (1985); In re Licensing Space Stations in the Domestic Fixed-Satellite Service, Memorandum Opinion and Order, 61 RR2d 992, n. 27 (1986).

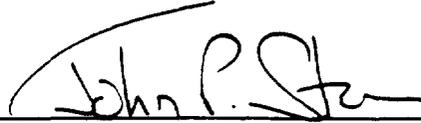
<sup>5</sup> See e.g., In re American Telephone and Telegraph Company, Order and Authorization, 5 FCC Rcd. 5590, 5591 (1990); In re American Telephone and Telegraph Company, Order and Authorization, 9 FCC Rcd. 2607 (1994).

<sup>6</sup> See In re Application of AT&T for Modification of Construction Permits and Licenses for the Telstar 401, 402 and 403 Satellites, 5 FCC Rcd. 5590, 5591 (1990).

<sup>7</sup> See In re American Telephone & Telegraph Company, Order and Authorization, 9 FCC Rcd. 2607 (1994)

Grant of the brief extension requested will further the public interest by significantly reducing the risk of satellite failure.

For the reasons stated above, the Commission should authorize an extension of the Telstar 6 launch milestone until June 30, 1999.



---

John P. Stern  
Associate General Counsel

Loral Space & Communications Ltd.  
1755 Jefferson Davis Highway  
Suite 1007  
Arlington, Virginia 22202-3501  
(703) 414-1060

October 20, 1998