

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

JUN 25 2003

OFFICE OF  
MANAGING DIRECTOR

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

RE: Request for Partial refund of fees for Application to  
Extend Milestones  
Fee Control Number 0212138210599001

Dear Counsel:

This letter responds to your December 12, 2002 request that we make a partial refund of the \$7,050 application fee submitted on the same date with the request by Loral SpaceCom Corporation (Loral SpaceCom) to extend the construction completion and launch milestones for its Telstar 9 satellite. For the reasons set out below, we grant your request for a partial refund of \$6,345.

You request a refund of \$6,345, which is the difference between the amount paid by Loral SpaceCom, \$7,050, and the amount you believe would be appropriate, \$705,<sup>1</sup> but for the omission of certain words in the Commission's fee schedule. The schedule no longer includes language specifically corresponding to the statutory space station fee category for applications to extend construction authority.

Loral SpaceCom paid a fee of \$7,050,<sup>2</sup> requesting authorization to extend milestones. You assert that the fee applicable for a space station modification is the closest remaining fee category that would apply to the requested application, but that the level of effort expended by the Commission to decide a modification differs greatly from the level of effort expended for a milestone extension. In addition, you point out that OMD has granted Loral refunds comparable to that requested here. See e.g., Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., October 24, 2002 (Fee Control # 0204098210545001).

The Commission's fee schedules are congressionally mandated, and the statutory fee schedule specifies under the category for space stations a fee for each extension of construction ~~permit/launch authorization request. 47 U.S.C. § 158(g), Common Carrier Service, Item 16.g.~~  
In implementing 47 U.S.C. § 158, the Commission stated that "[t]he Schedule of Charges created statutory fees that could only be changed in accordance with the statute or through the passage of

<sup>1</sup> This fee, adjusted to account for inflation, was previously set forth at 47 CFR § 1.1107(9)(g), but is now the amount set forth at 47 CFR § 1.1107(9)(f) Extension of Launch Authority.

<sup>2</sup> This amount corresponds to the application fee for a space station modification, see 47 CFR § 1.1107(9)(c), the category you assert is the closest to the requested relief.

new legislation.” *Report & Order*, 2 FCC Rcd at 948. Accordingly, absent congressional action, the Commission will not purposely add to or delete from the statutorily established categories of feeable items. In that regard, the Commission later amended certain rules to implement section 3001 of the Omnibus Budget Reconciliation Act of 1989, which amended the Schedule of Charges to include the application and fee for an “extension of construction permit/launch authorization (per request).”<sup>3</sup>

As you indicate, however, the Commission’s fee schedule in effect at the time Loral SpaceCom filed its current application no longer includes a precise reference to a “construction permit” applicable to requesting an extension of the launch authority. This change reflected the Commission’s efforts to streamline its satellite application and licensing procedures.<sup>4</sup> Consequently, pursuant to 47 CFR § 25.117(e), Loral SpaceCom’s application is properly a “modification of authorization to extend a required date of completion (e.g., begin construction, complete construction, launch, bring into operation).”<sup>5</sup> In that regard, section 25.117(e) specifies that the application for modification of authorization<sup>6</sup> to extend a required date of completion (a milestone), shall be filed on FCC Form 701 (Application for Additional Time to Construct).<sup>7</sup>

<sup>3</sup> Memorandum Opinion and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989*, FCC 90-63, 5 FCC Rcd 3558, 3633 (1990).

<sup>4</sup> See Report and Order, *In re: Streamlining the Commission’s Rules and Regulations for Satellite Application and Licensing Procedures*, FCC 96-425, 11 FCC Rcd. 21,581, (1996). As a result of this Order, the Commission eliminated the requirement to apply for a separate construction permit, even though the final authorization includes milestones related to construction. The elimination of the language specific to a construction permit was in keeping with the streamlined single authorization that replaced the multi-step authorizations to first construct and then to seek authorization to launch and operate. Even so, interim steps remain in the form of milestones, which a licensee must meet on pain of termination of the station authorization. For example, the Commission’s rules (47 CFR § 25.161) provide for automatic termination of the station authorization upon “expiration of the required date of completion of construction or other required action specified in the authorization, . . . if a certification of completion of the required action has not been filed with the Commission unless a request for an extension of time has been filed with the Commission but has not been acted on; . . .”

<sup>5</sup> Section 25.117 provides in pertinent part:

(e) Any application for modification of authorization to extend a required date of completion (e.g., begin construction, complete construction, launch, bring into operation) shall be filed on FCC Form 701 (Application for Additional Time to Construct). The application must include a verified statement from the applicant: (1) That states the additional time is required due to unforeseeable circumstances beyond the applicant’s control, describes these circumstances with specificity, and justifies the precise extension period requested; or (2) That states there are unique and overriding public interest concerns that justify an extension, identifies these interests and justifies a precise extension period.

<sup>6</sup> See Public Notice, *Implementation Of New Part 25 Regulations For Satellite Space And Earth Station Application And Licensing Procedures*, DA 97-1967, rel: September 16, 1997, 12 FCC Rcd. 13,850 (1997). “An application that revises the data on a previous application that has NOT YET BEEN GRANTED is an ‘Amendment’, whereas an application that revises the data on a previously GRANTED application (license or registration) is a ‘Modification’. Existing authorizations are ‘modified’ while pending applications are ‘amended’ (emphasis in original).”

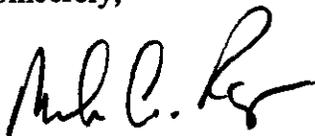
<sup>7</sup> In contrast to this guidance on the required form for this modification, other applications for modification are filed using FCC Form 312.

Thus, our rules do provide for the relief Loral SpaceCom seeks, *i.e.*, a request to extend a milestone, which is a modification of the authorization.

The consequence of streamlining portions of Part 25 resulted in a change in the terminology in the fee schedule so as to make it consistent with the rule change eliminating the requirement to obtain a construction permit.<sup>8</sup> Even so, the streamlining of Part 25 did not alter the statutory schedule requiring payment of a fee with an application that seeks an extension of the milestones and it did not alter the category of the Commission's service, which is to modify the conditions (or milestones) specified in the initial authorization. Thus, the category and fee to obtain an extension of the milestones for construction remain valid. Consequently, the applicable fee is \$705, so Loral SpaceCom is entitled to a refund of \$6,345, the difference between the \$7,050 it paid and the applicable fee it should have paid.

Accordingly, Loral SpaceCom's request for a partial refund of \$6,345 is granted, and a check in that amount payable to the maker of the original check will be sent to you. If you have any questions concerning this letter, you may write me at the Commission or call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

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<sup>8</sup> See 47 CFR § 25.113(f).

0212138210599001

# LORAL

Space & Communications Ltd.

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

John P. Stern  
Deputy General Counsel

December 12, 2002

DEC 11 10 26 AM '02  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF PRACTICES

Andrew S. Fishel  
Managing Director  
Office of Managing Director  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

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

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 a partial refund of the \$7,050 fee that it is submitting today with its request to extend the construction completion and launch milestones for its Telstar 9 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 Section 1.1107(9)(g) for "extension of construction permit/launch authorizations" which was \$610 per request. However, the Commission's subsequent revisions to its schedule eliminated this fee category. In the absence of a specified fee and upon the advice of International Bureau staff, Loral Space & Communications Ltd. ("Loral") has previously filed milestone extension requests with the fee applicable for space station modifications (now \$7,050), which was the closest remaining fee category that could be deemed to apply to this type of application. However, Loral requested a refund of that fee, noting that milestone extension requests are usually short, often unopposed and relatively easy for the Commission to act upon.<sup>1</sup> Modification applications, on the other hand, usually involve much more detailed technical analysis and Commission effort.

<sup>1</sup> See e.g., Letter from John P. Stern, Loral Space & Communications Ltd. to Andrew S. Fishel, Managing Director, Office of Managing Director, Federal Communications Commission,

In response to Loral's previous fee determination requests, the Office of the Managing Director stated that the Commission's recent fee schedules have inadvertently omitted the applicable fee for milestone extensions.<sup>2</sup> It stated that the Commission will amend its fee schedule to reinstate the applicable fee. In the interim, the Office of the Managing Director determined that Loral was entitled to a refund of the difference between the fee for a satellite modification and the fee that would be due for milestone extensions.

Since the fee for milestone extensions has not yet been reinstated, Loral SpaceCom is filing its milestone extension request together with a fee of \$7,050 for space station modifications (47 C.F.R. § 1.1107(9)(c)). Consistent with the Managing Director's previous fee determinations, Loral SpaceCom requests that the Commission refund it \$6,345: the difference between the \$7,050 it is paying today and the \$705 fee that would most likely be applicable for a milestone extension request.<sup>3</sup>

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

Respectfully submitted,



John P. Stern

cc: Regina Dorsey  
Thomas Sullivan  
Kathleen Campbell

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November 2, 1999; Letter from John P. Stern, Loral Space & Communications Ltd. to Andrew S. Fishel, Managing Director, Office of Managing Director, Federal Communications Commission, April 8, 2002.

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<sup>2</sup> See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., Oct. 21, 2002 (Fee Control # 0204098210545001); Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., Sept. 21, 2000 (Fee Control # 9911048210376001) (attached hereto).

<sup>3</sup> Fee categories that used to be \$610 per request appear were increased to \$670 and are now \$705.

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 24 2002

OFFICE OF  
MANAGING DIRECTOR

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

RE: Request for Partial Refund of Fee for Application to  
Extend Milestones  
Fee Control Number 0204098210545001

Dear Counsel:

This is in response to your Request for a Partial Refund of Fee for Application to Extend Milestones dated April 8, 2002 submitted with the request to extend the construction completion and launch milestones for Loral SpaceCom Corporation's (Loral) Telstar 8 satellite. You request a refund of \$6,000, which is the difference between the amount paid by Loral (\$6,670) and the amount that you believe would be appropriate (\$670), but for an inadvertent elimination of certain words in the Commission's fee schedule that describe a construction permit extension in what the statute defines as a combination fee category for extension of construction/launch authority.

Loral paid a fee of \$6,670,<sup>1</sup> but you assert that because the Commission's schedule of charges in effect at the time and published at 47 CFR §§ 1.1102-1109 do not include a previously referenced category for "extension of construction permit/launch authorizations," that no fee is due for its current application. In the alternative, and in further support of your request, you urge the Commission to apply its earlier rationale that even though the application fee category was modified, so that milestone extension inadvertently was not listed precisely, the corresponding fee from the earlier publication (now increased to \$670) should be applied. See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esquire, Loral Space & Communications Ltd., September 21, 2000 (Fee Control #9911048210376001). For the following reasons, we grant your request for a partial refund.

The statutory fee schedule specifies as an element of the category for space station fees a fee for each extension of construction permit/launch authorization request. 47 U.S.C. § 158(g), Common Carrier Service, Item 16.g. In implementing 47 U.S.C. § 158, the Commission stated that "[t]he Schedule of Charges created statutory fees that could only be changed in accordance with the statute or through the passage of new legislation." Report and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget*

<sup>1</sup> The fee corresponds to the application fee for a space station modification, see 47 CFR § 1.1107(9)(c), which category, you assert, is closest to the requested relief.

John P. Stern, Esquire

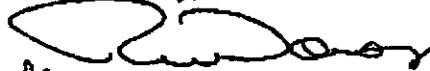
2.

*Reconciliation Act of 1985, FCC 86-562, ¶ 8, 2 FCC Rcd 947, 948 (1987). Accordingly, absent congressional action, the Commission will not purposely add to or delete from the statutorily established categories of feeable items. In that regard, the Commission later amended certain of its rules to implement section 3001 of the Omnibus Budget Reconciliation Act of 1989, which amended the Schedule of Charges to include the application and fee for an "extension of construction permit/launch authorization (per request)."*<sup>2</sup>

Subsequently, however, the Commission's fee schedule in effect at the time of Loral's current application inadvertently omitted the applicable statutorily established fee for such extensions. That inadvertence does not result in a change to the statutory schedule. Thus, the category and fee to obtain an extension of the milestones for construction remain valid. Consequently, Loral is entitled to a refund of \$6,000, the difference between the \$6,670 it paid and the applicable \$670 fee it should have paid.

Accordingly, Loral's request for a partial refund of \$6,000 is granted, and a check in that amount made payable to the maker of the original check will be sent to you. If you have any questions concerning this letter, you may call the Revenue and Receivables Operation Group at (202) 418-1995.

Sincerely,



fr Mark Roger  
Chief Financial Officer

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<sup>2</sup> Memorandum Opinion and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989*, FCC 90-63, 5 FCC Rcd 3558, 3633 (1990)

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 21 2000

OFFICE OF  
MANAGING DIRECTOR

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 # 9911048210376001

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 Telesat 8 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 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*

John P. Stern, Esquire

2.

*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,

  
for Mark A. Reger  
Chief Financial Officer



Payment Search Detail

Fee Control Number	Payer Name	Payment Amt	Overage Amt
0006078210428001	LORAL SPACECOM CORPORA	\$6,390.00	\$0.00
0008218210445002	LORAL SPACECOM CORPORA	\$6,390.00	\$0.00
0204098210545001	LORAL SPACECOM CORP	\$6,670.00	\$0.00
<b>0212138210599001</b>	<b>LORAL SPACECOM CORP</b>	<b>\$7,050.00</b>	<b>\$0.00</b>
9704148210135002	LORAL SPACECOM CORP	\$610.00	\$0.00
9709228210176001	LORAL SPACECOM CORP	\$6,695.00	\$0.00

- Credit Card Info
- Payer Info
- Bill Check Info
- Change Info
- Acct Info
- Also Show JVS transactions
- Move to Unreported
- FCC Code Info
- Applicant Info
- Treasury Info
- Modify Payment
- Close

Sequence	Quantity	Payment Type Code	Payment Amount	Trans Code	Call Sign Other Id	Treasury Symbol
1	1	BFV	\$7,050.00	PMT	ELSTAR95	272429

Print Screen





Federal Communications Commission  
Washington, D.C. 20554

CONTROL# 2002-101

DUE DATE: 1/19/03

DEC 19 2002

John P. Stern  
Loral SpaceCom Corporation  
1755 Jefferson Davis Highway  
Suite 1007  
Arlington, VA 22202-3501

Dear Sir:

This letter is acknowledging receipt of your letter dated December 12, 2002 which was received by the FCC on December 17, 2002. Within 30 days of this letter we will mail you either a resolution to your item or a letter telling you when you can expect a resolution. If you have any questions concerning this letter please call the Office of the Chief Financial Officer at (202) 418-1925.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger".

Mark A. Reger  
Chief Financial Officer

Charges to include the application and fee for an "extension of construction permit/launch authorization (per request)."<sup>3</sup>

As you indicate, however, the Commission's fee schedule in effect at the time Loral SpaceCom filed its current application no longer includes a precise reference to a "construction permit" applicable to requesting an extension of the launch authority. This change reflected the Commission's efforts to streamline its satellite application and licensing procedures.<sup>4</sup> Consequently, pursuant to 47 CFR § 25.117(e), Loral SpaceCom's application is properly a "modification of authorization to extend a required date of completion (e.g., begin construction, complete construction, launch, bring into operation)."<sup>5</sup> In that regard, section 25.117(e) specifies that the application for modification of authorization<sup>6</sup> to extend a required date of completion (a milestone), shall be filed on FCC Form 701 (Application for Additional Time to Construct).<sup>7</sup> Thus, our rules do provide for the relief Loral SpaceCom seeks, i.e., a request to extend a milestone, which is a modification of the authorization.

The consequence of streamlining portions of Part 25 resulted in a change in the terminology in the fee schedule so as to make it consistent with the rule change eliminating the requirement to obtain a construction permit.<sup>8</sup> Even so, the streamlining of Part 25 did not alter the statutory schedule requiring payment of a fee with an application that seeks an extension of the milestones and it did not alter the category of the Commission's service, which is to modify

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<sup>3</sup> Memorandum Opinion and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989*, FCC 90-63, 5 FCC Rcd 3558, 3633 (1990).

<sup>4</sup> See Report and Order, *In re: Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, FCC 96-425, 11 FCC Rcd. 21,581, (1996). As a result of this Order, the Commission eliminated the requirement to apply for a separate construction permit, even though the final authorization includes milestones related to construction. The elimination of the language specific to a construction permit was in keeping with the streamlined single authorization that replaced the multi-step authorizations to first construct and then to seek authorization to launch and operate. Even so, interim steps remain in the form of milestones, which a licensee must meet on pain of termination of the station authorization. For example, the Commission's rules (47 CFR § 25.161) provide for automatic termination of the *station authorization* upon "expiration of the required date of completion of construction or other required action specified in the authorization, . . . if a certification of completion of the required action has not been filed with the Commission unless a request for an extension of time has been filed with the Commission but has not been acted on; . . ."

<sup>5</sup> Section 25.117 provides in pertinent part:

(e) Any application for modification of authorization to extend a required date of completion (e.g., begin construction, complete construction, launch, bring into operation) shall be filed on FCC Form 701 (Application for Additional Time to Construct). The application must include a verified statement from the applicant: (1) That states the additional time is required due to unforeseeable circumstances beyond the applicant's control, describes these circumstances with specificity, and justifies the precise extension period requested; or (2) That states there are unique and overriding public interest concerns that justify an extension, identifies these interests and justifies a precise extension period.

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<sup>6</sup> See Public Notice, *Implementation Of New Part 25 Regulations For Satellite Space And Earth Station Application And Licensing Procedures*, DA 97-1967, rel: September 16, 1997, 12 FCC Rcd. 13,850 (1997). "An application that revises the data on a previous application that has NOT YET BEEN GRANTED is an 'Amendment', whereas an application that revises the data on a previously GRANTED application (license or registration) is a 'Modification'. Existing authorizations are 'modified' while pending applications are 'amended' (emphasis in original)."

<sup>7</sup> In contrast to this guidance on the required form for this modification, other applications for modification are filed using FCC Form 312.

<sup>8</sup> See 47 CFR § 25.113(f).

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

RE: Request for Partial refund of fees for Application to  
Extend Milestones  
Fee Control Number 0212138210599001 ✓

Dear Counsel:

This letter responds to your December 12, 2002 request that we make a partial refund of the \$7,050 application fee submitted on the same date with the request by Loral SpaceCom Corporation (Loral SpaceCom) to extend the construction completion and launch milestones for its Telstar 9 satellite. For the reasons set out below, we grant your request for a partial refund of \$6,345.

You request a refund of \$6,345, which is the difference between the amount paid by Loral SpaceCom, \$7,050, and the amount you believe would be appropriate, \$705,<sup>1</sup> but for the omission of certain words in the Commission's fee schedule. The schedule no longer includes language specifically corresponding to the statutory space station fee category for applications to extend construction authority.

Loral SpaceCom paid a fee of \$7,050,<sup>2</sup> requesting authorization to extend milestones. You assert that the fee applicable for a space station modification is the closest remaining fee category that would apply to the requested application, but that the level of effort expended by the Commission to decide a modification differs greatly from the level of effort expended for a milestone extension. In addition, you point out that OMD has granted Loral refunds comparable to that requested here. *See e.g.*, Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., October 24, 2002 (Fee Control # 0204098210545001).

The Commission's fee schedules are congressionally mandated, and the statutory fee schedule specifies under the category for space stations a fee for each extension of construction permit/launch authorization request. 47 U.S.C. § 158(g), Common Carrier Service, Item 16.g. In implementing 47 U.S.C. § 158, the Commission stated that "[t]he Schedule of Charges created statutory fees that could only be changed in accordance with the statute or through the passage of new legislation." *Report & Order*, 2 FCC Rcd at 948. Accordingly, absent congressional action, the Commission will not purposely add to or delete from the statutorily established categories of ~~feeable items. In that regard, the Commission later amended certain rules to implement section 3001 of the Omnibus Budget Reconciliation Act of 1989, which amended the Schedule of~~

<sup>1</sup> This fee, adjusted to account for inflation, was previously set forth at 47 CFR § 1.1107(9)(g), but is now the amount set forth at 47 CFR § 1.1107(9)(f) Extension of Launch Authority.

<sup>2</sup> This amount corresponds to the application fee for a space station modification, *see* 47 CFR § 1.1107(9)(c), the category you assert is the closest to the requested relief.

the conditions (or milestones) specified in the initial authorization. Thus, the category and fee to obtain an extension of the milestones for construction remain valid. Consequently, the applicable fee is \$705, so Loral SpaceCom is entitled to a refund of \$6,345, the difference between the \$7,050 it paid and the applicable fee it should have paid.

Accordingly, Loral SpaceCom's request for a partial refund of \$6,345 is granted, and a check in that amount payable to the maker of the original check will be sent to you. If you have any questions concerning this letter, you may write me at the Commission or call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark Reger  
Chief Financial Officer

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AR012-A  
1/30/2003  
10:03:53

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.  
RECEIPTS DETAIL REPORT  
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1  
1/30/2003  
10:03:53

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560613	12/13/02	0212138210599001	0005015052	LORAL SPACECOM CORPORATION	12/12/02	\$7,050.00

Seq: 1 Call Sign: TELSTAR9S2 FCC Code 1: TELSTAR9S2152 FCC Code 2:  
PTC: BFY QTY: 1 Applied Amt: 7050.00  
Applicant Name: LORAL SPACECOM CORP  
Address: 1755 JEFFERSON DAVIS HIGHWAY

Tin Number: 0133867427

Total: \$7,050.00