

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:

Amendment of Part 97 of the Commission's Rules)
Governing the Amateur Radio Services) **WT Docket No. 04-140**
)

To: The Commission

FURTHER COMMENTS OF THE RADIO AMATEUR SATELLITE CORPORATION

The Radio Amateur Satellite Corporation (AMSAT[®]), pursuant to § 1.415 of the Commission's Rules [47 C.F.R. § 1.415], hereby respectfully submits further comments in response to the *Notice of Proposed Rule Making and Order*, FCC 04-79, 69 Fed. Reg. 50128, released April 15, 2004, and published in the Federal Register August 17, 2004 (the Notice). These further comments are timely filed. For its further comments, AMSAT states as follows.

1. AMSAT filed comments June 15, 2004, in response to the Notice.

2. As discussed at ¶¶ 73-77 of the Notice, the license grantee of a space station in the amateur-satellite service must file with the Commission written pre-space station notifications twenty-seven and five months before initiating space station transmissions, seven days following initiation of these transmissions, and no later than three months after termination of these transmissions¹. The Commission proposed, at ¶ 77, to require the submission of an orbital debris mitigation plan as part of the pre-space notification², and noted that the submission of a plan that is deficient in some way might require that the Commission take further action, such as modification of the licensee's station license grant, in connection with the space station.

¹ 47 C.F.R. § 97.207 (g), (h), (i).

² See the proposed § 97.207(g) at 51-52.

3. The matter of orbital debris mitigation was considered in IB Docket 02-54. On June 21, 2004, after the filing of our comments in the present proceeding, the Commission released a Second Report and Order in IB Docket 02-54³ (the Second R&O), adopting the same language for § 97.207(g) that is proposed in the Notice. The Second R&O was published in the Federal Register on September 9, 2004, but its effective date with respect to space stations in the amateur-satellite service has not yet been determined.

4. AMSAT intends to file a Petition for Reconsideration of those provisions in the Second R&O which would affect the amateur-satellite service, and to request that the Commission stay the effective date of the new § 97.207(g), as provided in § 1.429(k) of the Commission's rules [(47 C.F.R. § 1.429(k)]. AMSAT also intends to file comments under the Paperwork Reduction Act with respect to the same provisions.

5. Accordingly, AMSAT hereby requests the Commission to delay action on the affected portions of the present rulemaking proceeding until final action has been taken on our Petition for Reconsideration and Paperwork Reduction Act comments.

RESPECTFULLY SUBMITTED,

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By 

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³ FCC 04-130