

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
)
Applications Filed For Consent To Transfer) WC Docket No. 06-106
Control Of Mobile Satellite Ventures)
Subsidiary LLC From Motient Corporation And)
Subsidiaries To SkyTerra Communications, Inc.)

MOTION TO ACCEPT LATE-FILED COMMENTS

Highland Capital Management, LP (“Highland”), by its undersigned attorneys, hereby requests that the Commission accept, and treat as timely filed, Highland’s Comments, which were filed in this proceeding within minutes, if not seconds, of the midnight deadline for electronically-filed comments in accordance with the pleading cycle established by the Commission in its Public Notice of June 16, 2006.¹ Highland was in the process of uploading its comments to the Commission’s Electronic Comment Filing System (“ECFS”) at 11:56 PM on July 17, 2006 (the due date for comments),² but the ECFS confirmation shows the comments as having been received by the Commission on July 18, 2006,³ thus rendering the submission late-filed.

¹ See *Applications Filed for Consent to Transfer Control of Mobile Satellite Ventures Subsidiary LLC from Motient Corporation and Subsidiaries to SkyTerra Communications, Inc.*, Public Notice, WC Docket No. 06-106, rel. Jun. 16, 2006 (hereinafter, “Public Notice”).

² See email to Jodi Cooper dated Jul. 18, 2006, attached hereto as Exhibit 1.

³ A copy of the ECFS confirmation is attached hereto as Exhibit 2.

Highland recognizes that it is the Commission's policy not to routinely grant motions for extensions of time. *See* 47 C.F.R. § 1.46(a). However, the Commission has found a grant of such motions to be warranted in the past, for example, when a proceeding raises complex substantive matters,⁴ or, as here, when the acceptance of late-filed comments can provide the Commission with a more complete record upon which to base its decision without prejudicing any party,⁵ or, more broadly, when the grant of such motions would serve the public interest.⁶

In support of its motion, Highland states that its Comments in this proceeding are intended to shed as much light as possible on the complex substantive issues raised by the application that is currently before the Commission, by drawing the Commission's attention to facts and circumstances

⁴ *See e.g., Qualcomm Incorporated, Petition for Declaratory Ruling*, 20 FCC Rcd 3594, rel. Feb. 15, 2005 (approving a 21-day extension of time because the application raised complex technical and legal issues).

⁵ *See generally Streamlined Domestic 214 Application Granted*, Public Notice, DA 04-3786, WC Docket No. 04-397, rel. Nov. 30, 2004 (stating that accepting late-filed comments can provide the Commission a more complete record upon which to base its decision without prejudicing any party), *and see Mobile Relay Associates, Inc., Application for Authorization and Petition for Reconsideration of License Granted to National Science and Technology Network, Inc. for Station WPLT688 at Glendale, California*, Order On Further Reconsideration, 16 FCC Rcd 909, rel. Jan. 18, 2001 (accepting a pleading filed approximately 15 days after the deadline for filing "in the interest of having a complete record in this proceeding.").

⁶ *See e.g., Wireline Competition Bureau Grants Request for Extension of Time to File Reply Comments in Response to the Commission's Notice of Proposed Rulemaking to Enhance Security and Authentication Standards for Access to CPNI*, Public Notice, DA 06-1033, CC Dkt. No. 96-115, rel. May 15, 2006 (approving a 2 week extension of time to file comments, *inter alia*, to "facilitate the full participation of all parties, thus generating a more informed record.").

omitted from the application that have a direct bearing on the Commission's analysis of the public interest implications of the proposed transaction. Thus, Highland submits that acceptance of its late-filed Comments, which were prepared and in the process of being uploaded to the Commission's ECFS on the date they were due, would provide the Commission with a more complete record upon which to base its decision without prejudicing any other party.⁷

For the reasons stated above, Highland requests that the Commission accept its late-filed Comments and treat them as if they were timely filed.

⁷ Highland notes that, in cases where the Commission has refused to accept late-filed pleadings, such pleadings have often been filed long after the time for filing has past and the period of time in question is measured in weeks, months or even days – not, as here, where the time in question is a matter of minutes or even seconds. *See e.g., Hughes Network Systems, Limited, Assignor and HNS Licensee Sub, LLC, Consolidated Application for Consent for Assignment of Earth Station Licenses and Associated Special Temporary Authorizations*, 20 FCC Rcd 8080, rel. Apr. 18, 2005 (comments filed 19 days late); *Application of Winstar Broadcasting Corp. For a Construction Permit for a New Television Station on Channel 21, Virginia Beach, Virginia*, 20 FCC Rcd 2043, rel. Jan. 27, 2005 (comments filed 86 days late); *RCA Global Communications, Inc.*, Memorandum Opinion and Order, 3 FCC Rcd 2814, 2816 n. 3 (pleading filed 2 months late).

Respectfully submitted,

/s/ James P. Schulz

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Dated: July 18, 2006

In accordance with the provisions of 47 C.F.R. §1.46(c), a copy of the foregoing will be sent to the following on July 19, 2006:

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