

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

In the Matter of
IWL Communications, Inc.
d/b/a CapRock Services, Inc.
Petition for Special Temporary Authority
File No. SES-STA-20010129-00249
Call Sign: E000105

ORDER ON RECONSIDERATION

Adopted: June 6, 2001

Released: June 7, 2001

By the Chief, Satellite and Radiocommunication Division, International Bureau:

I. INTRODUCTION

1. In this Order, we deny a petition for reconsideration and petition for extension of Special Temporary Authority (STA) filed by IWL Communications, Inc., doing business as CapRock Services, Inc. (IWL). Granting these petitions exceeds the Commission's jurisdiction.

II. BACKGROUND

2. IWL operates a temporary-fixed earth station on an oil-drilling vessel in the Gulf of Mexico. IWL's vessel is registered in Panama. IWL requested an STA to operate this earth station on March 9, 2000. IWL did not state where this vessel was registered in its STA request. On May 31, 2000, we granted IWL a STA to operate this earth station, pending consideration of its application for regular temporary-fixed earth station authority. On November 22, 2000, we dismissed IWL's application for regular authority based on lack of jurisdiction. We noted that, in the MTN Order, the International Bureau (Bureau) determined that the Commission does not have jurisdiction under the Communications Act of 1934, as amended, to issue licenses for earth stations on non-U.S.-registered vessels. Maritime Telecommunications Network, Inc. (MTN)

1 Letter from Catherine Wang, Counsel for IWL, to Magalie Roman Salas, Secretary, FCC (dated Jan. 29, 2001) (IWL STA Request) at 1; IWL Petition for Reconsideration at 1.

2 IWL STA Request at 1; IWL Petition for Reconsideration at 2.

3 Letter from Catherine Wang, Counsel for IWL, to Magalie Roman Salas, Secretary, FCC (dated Mar. 9, 2000) (March 9 Letter).

4 March 9 Letter at 2.

5 Satellite Communications Services Information Re: Actions Taken, Public Notice, SES-00237 (released Nov. 22, 2000) at 2.

6 Maritime Telecommunications Network, Inc., Order, 15 FCC Rcd 23210 (Int'l Bur., 2000) (MTN Order).

filed a petition for reconsideration of the *MTN Order*. With respect to this jurisdiction issue, that petition was denied on June 5, 2001.⁷

3. On December 22, 2000, prior to the release of the *MTN Reconsideration Order*, IWL sought reconsideration of our dismissal of its application for regular temporary-fixed earth station authority, claiming that it was premature to rely on the *MTN Order* while MTN's petition for reconsideration is pending.⁸ On January 29, 2001, IWL requested STA to operate its earth station while its petition for reconsideration of the dismissal of its earth station application is pending.⁹

III. DISCUSSION

4. We deny IWL's petition for reconsideration. IWL argues that MTN's petition for reconsideration creates uncertainty regarding whether the Commission lacks jurisdiction over earth stations on foreign-flagged vessels.¹⁰ Subsequently, the Bureau denied MTN's petition for reconsideration on this issue.¹¹ Accordingly, there is no further uncertainty on this issue. We do not have authority to issue a license for IWL's earth station on a Panamanian vessel.

5. Furthermore, there would be no basis for reconsidering our dismissal of IWL's earth station application even if the Bureau had not already acted on MTN's petition for reconsideration. Section 405 of the Communications Act states that filing a petition for reconsideration of a Commission Order does not excuse any party from complying with that Order while the petition is pending.¹² IWL argues that, if the Bureau reconsiders the *MTN Order*, it would incur additional financial and administrative expense in reconfiguring its earth station operations and refiling its application.¹³ This is not sufficient justification for establishing a precedent that could allow parties to postpone compliance with future Commission and Bureau Orders merely by filing a petition for reconsideration. Therefore, IWL has not provided a basis for reconsidering our dismissal of its earth station application.

6. We also deny IWL's STA extension request. IWL maintains that it faces extraordinary circumstances that justify an STA because (1) a petition for reconsideration of the *MTN Order* was pending at the time IWL filed its STA request,¹⁴ and (2) denial of IWL's STA extension request might cause a disruption of service.¹⁵ Under Section 306 of the

⁷ Maritime Telecommunications Network, Inc., *Order on Reconsideration and Memorandum Opinion and Order*, DA 01-1283 (Int'l. Bur., released June 5, 2001) (*MTN Reconsideration Order*).

⁸ See IWL Petition for Reconsideration at 3-4.

⁹ IWL STA Request.

¹⁰ IWL Petition for Reconsideration at 3.

¹¹ *MTN Reconsideration Order* at paras. 17-19.

¹² 47 U.S.C. § 405.

¹³ IWL Petition for Reconsideration at 3-4.

¹⁴ IWL STA Request at 2.

¹⁵ IWL STA Request at 3.

Communications Act,¹⁶ and as explained in the *MTN Order* and the *MTN Reconsideration Order*, we do not have authority to grant IWL's STA extension request because Panama is the proper licensing authority for this earth station.¹⁷ Furthermore, IWL is mistaken in contending that it would not be allowed to operate its earth station unless we authorize its operations.¹⁸ Because Panama is the Administration with jurisdiction over this earth station, IWL may operate its earth station in accordance with any Panama laws, rules, regulations, and procedures that allow IWL to communicate with appropriately authorized satellites.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. § 405, and Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that the petition for reconsideration filed by IWL Communications, Inc., on December 22, 2000, IS DENIED.

8. IT IS FURTHER ORDERED, pursuant to Section 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(f), and Section 25.120 of the Commission's rules, 47 C.F.R. § 25.120, that the petition for Special Temporary Authority filed by IWL Communications, Inc., on January 29, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz
Chief,
Satellite and Radiocommunication Division

¹⁶ 47 U.S.C. § 306.

¹⁷ *MTN Order*, 15 FCC Rcd at 23215 (para. 11); *MTN Reconsideration Order* at para. 18.

¹⁸ IWL Petition at 4.