



International Bureau

Federal Communications Commission
Washington, DC 20554

DA 04 -3606

November 17, 2004

Bruce D. Jacobs, Esquire
Shaw Pittman LLP
2300 N Street NW
Washington, D.C. 20037

Re: Pegasus Development Corporation
SAT-MOD-20020322-00035
Call Sign S2350
SAT-MOD-20020322-00036
Call Sign S2351

Dear Mr. Jacobs:

This letter responds to your correspondence of November 5, 2004, filed on behalf of Pegasus Development Corporation (Pegasus), regarding the above-referenced modification applications. In the letter you notify the Commission of Pegasus's change in plans regarding its proposed satellites at the 107° W.L. and 117° W.L. orbit locations. For the reasons set forth below, we dismiss the applications as moot.

In the modification applications filed in 2002, Pegasus seeks authority to add a Broadcasting Satellite Service (BSS) payload to its Ka-band satellites authorized at the 117° W.L. and 107° W.L. orbital locations using the 17.3-17.8 GHz (downlink) and 24.75-25.25 GHz (uplink) frequency bands. At the time of filing, Pegasus was authorized to operate Ka-band fixed-satellite service (FSS) satellites at various orbital locations, including 117° W.L. and 107° W.L. In response to a recent letter from the Satellite Division requesting Pegasus to verify its business plans for a Ka-band/BSS system, Pegasus states it now intends to pursue licenses for single-band BSS systems at the 107° W.L. and 117° W.L. orbital locations.¹

In light of these plans, we dismiss Pegasus's modification applications to add a BSS payload to each of the two Ka-band satellites. Because Pegasus's authorization to operate a Ka-band satellite at 117° W.L. was declared null and void, there is no authorization to modify.² Consequently, we dismiss modification application, File No. SAT-MOD-20020322-00035, as moot. In addition, we dismiss application File No. SAT-MOD-20020322-00036, based on your

¹ Letter to Marlene H. Dortch, Secretary FCC, from Bruce D. Jacobs, Counsel for Pegasus Development Corporation (November 5, 2004).

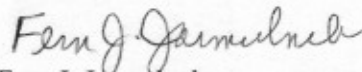
² Pegasus Development Corporation, *Memorandum Opinion and Order*, DA 03-4075 (Int'l Bur., Sat. Div., rel. Dec. 22, 2003).

statement that Pegasus intends to pursue a single-band BSS system at the 107° W.L. orbital location, not a Ka-band FSS/BSS hybrid as set forth in the application.

Pegasus may pursue licenses to operate single-band BSS systems by filing new applications in accordance with Part 25 of the Commission's rules.

This action is taken pursuant to the Commission's rules on delegated authority, 47 C.F.R. § 0.261.

Sincerely,



Fern J. Jarmulnek
Deputy Chief
Satellite Division