



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. TEL-01245NS**

**Thursday March 13, 2008**

**NON STREAMLINED INTERNATIONAL APPLICATIONS/PETITIONS ACCEPTED FOR FILING  
Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16)  
and Section 310(b)(4)**

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

## Petition for Declaratory Ruling

TerreStar Networks Inc. (TerreStar or the "Petitioner") filed a petition for declaratory ruling ("Petition") under section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), to permit TerreStar to have indirect foreign equity and voting interests above the 25 percent benchmark set forth in section 310(b)(4) of the Act. Specifically, TerreStar, a Delaware corporation, requests a declaratory ruling that would: (1) permit foreign investors from World Trade Organization (WTO) Member countries to hold indirectly up to 32.65% of its equity and up to 36.34% of its voting interests, and (2) permit foreign investors to acquire, without having to seek further Commission approval, additional indirect interests in TerreStar of up to 25% equity and up to 25% voting interests, subject to standard conditions.

TerreStar filed this Petition as an amendment to a pending application in which it has requested a blanket authorization for the operation of mobile earth terminals (METs) that will communicate with TerreStar-1 (SES-LIC-20061206-02100) (Report No. SES-00931) and an authorization for ancillary terrestrial component facilities that will be operated in conjunction with TerreStar-1 (SES-AMD-20070907-01253). According to the Petitioner, this request for a declaratory ruling is based on changes in the foreign ownership of TerreStar's parent, TerreStar Corporation, since the METs application was filed and in anticipation of changes to TerreStar Corporation's ownership when it exercises options to acquire various licenses from EchoStar Corporation in exchange for shares of TerreStar Corporation's common stock.

Petitioner states that TerreStar Corporation, through its wholly-owned subsidiary Motient Ventures Holding Inc., both Delaware corporations, holds 86% of TerreStar's equity and voting interests. Petitioner also states that more than 75% of TerreStar Corporation's equity and voting interests are held by the following individuals or entities from the United States or another WTO Member country: (1) Harbinger Capital Partners Master Fund I, Ltd. (Cayman Islands), (2) Harbinger Capital Partners Special Situations Fund, L.P. (U.S.), (3) EchoStar Corporation (U.S.), (4) Solus Alternative Asset Management LP (U.S.), (5) the Tudor Funds (two U.S.-organized funds and two Cayman Islands-organized funds), (6) the Intrepid Funds (two U.S.-organized funds and three Cayman Islands-organized funds), (7) Goldman Sachs Global Security Services (U.S.), (8) BCE, Inc. (Canada), and (9) George W. Haywood (U.S. citizen).

**REMINDER:**

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>