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November 27, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Hand Delivery

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554

**Re: Comment and Reply to Oppositions;
IB Docket No. 98-172; RM-9005; RM-9118**

Dear Ms. Salas:

Attached hereto are an original and 11 copies of Pegasus Development Corporation's late-filed Comment and Reply to Oppositions in the above-referenced proceeding. Responses in this proceeding were due on Friday, November 24, 2000. Because the delay in filing was inadvertent and beyond the control of Pegasus, and because no party to this proceeding will be unfairly prejudiced, Pegasus respectfully requests that the Commission accept this late-filed Comment and Reply.

Pegasus had intended to submit the Comment and Reply on Wednesday, November 22, but the firm's commercial courier service, for unknown reasons, did not properly make its scheduled pick up or delivery on that day. Further, because of the intervening holidays, no pick up or delivery was scheduled for Friday, November 24, and the error was not noticed until Monday, November 27. As a result, the official copy to the Secretary was not timely filed although service copies to affected parties (and possibly courtesy copies to the Commissioners) were properly distributed.

Very truly yours,


Tony Lin

Enclosures

No. of Copies rec'd 07/11
List A B C D E

cc: see attached certificate of service.

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of)
)
 Redesignation of the 17.7-19.7 GHz)
 Frequency Band, Blanket Licensing of)
 Satellite Earth Stations in the 17.7-20.2 GHz)
 and 27.5-30.0 GHz Frequency Bands, and the)
 Allocation of Additional Spectrum in the)
 17.3-17.8 GHz and 24.75-25.25 GHz)
 Frequency Bands for Broadcast Satellite-)
 Service Use)
)
)
)

IB Docket No. 98-172
 RM-9005
 RM-9118

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

COMMENT AND REPLY TO OPPOSITIONS TO PETITIONS FOR RECONSIDERATION

Pegasus Development Corporation (“Pegasus”) hereby submits this Comment and Reply in partial support of the Opposition and Comments of Astrolink International LLC (“Astrolink”). In Pegasus’ Comment and Opposition to the Petition for Clarification and Reconsideration of Winstar Communications, Inc. (“Pegasus Opposition”), Pegasus criticized the Winstar Petition for its failure to present any new evidence or other compelling reason for the Commission to modify the terrestrial fixed service (“FS”) relocation policy adopted in the 18 GHz Downlink Order. Pegasus also urged the Commission to permit Broadcast Satellite Service operators to use the 17.7-17.8 GHz band for downlink purposes on a secondary basis.

Astrolink argues (*Opposition and Comments*, at 15) that the request by Hughes Electronic Corporation (“Hughes”) to modify the text of new Section 25.138(b) should be denied. *See Petition for Partial Reconsideration of Hughes Electronics Corporation*, at 23-25 (“Hughes Petition”). Pegasus supports the position of Astrolink in this regard.

Hughes argues that the Commission has, either inadvertently or intentionally, neglected to insert the word “blanket” in the first sentence of Section 25.138(b). The result is that “Section 25.138(b), and therefore Section 25.138(c), possibly could be interpreted also to apply to applications for non-blanketed licensed earth terminals, such as individually-licensed and coordinated earth stations under for TT&C functions.” *Hughes Petition*, at 24. Because such an interpretation would require those earth stations to accommodate new operations, Hughes asserts that the proposed rule would be unacceptable. *See id.*

The Commission should not, however, limit the application of Section 25.138 to blanket licensed earth stations only. As demonstrated by Astrolink, granting the Hughes request would eliminate any applicable operational parameters for individually licensed Ka-band earth stations, remove the requirement to coordinate individually licensed Ka-band earth stations, remove the requirement to coordinate individually licensed earth station operations in excess of applicable power levels with affected Ka-band satellite operators, and contravene longstanding FCC precedent.

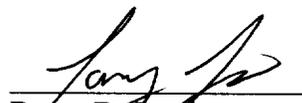
Conclusion

For the reasons stated above and in its Opposition, Pegasus Development Corporation requests that the Commission deny the Petition for Clarification and Reconsideration of Winstar Communications, Inc. and modify its policies with respect to the new Broadcast Satellite Service allocations. Additionally, Pegasus Development Corporation requests that the Commission deny the request by Hughes Electronics Corporation to modify the text of new Section 25.138(b).

Respectfully submitted,

Pegasus Development Corporation

By



Bruce D. Jacobs
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Counsel for Pegasus Development Corporation

Dated: November 22, 2000

CERTIFICATE OF SERVICE

I, Mary Nolan, hereby certify that on this 27nd day of November, 2000, I served by hand delivery a copy of this Reply upon the following individuals:

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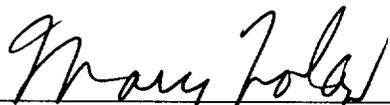
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