

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

In the Matter of)	
)	
Space Data Spectrum Holdings, LLC)	
)	File No. 0004451589
Request for Waiver and Extension of Time)	
of Tribal Land Bidding Credit Construction)	
Requirement for Advanced Wireless)	
Service License)	

To: Chief, Wireless Telecommunications Bureau

**FIFTH SUPPLEMENT TO
REQUEST FOR WAIVER AND EXTENSION OF TIME**

Space Data Corporation, on behalf of its wholly-owned subsidiary Space Data Spectrum Holdings, LLC (collectively, “Space Data”) supplements its pending Request for Waiver and Extension of Time (the “Request”) to request an additional two months – until November 12, 2012 – to satisfy the tribal land bidding credit (“TLBC”) construction requirements of Section 1.2110(f)(3)(vii)¹ for the Native Village of Atqasuk (“Atqasuk Village”) in the most northern area of Alaska.²

¹ 47 C.F.R. § 1.2110(f)(3)(vii).

² See Request for Waiver and Extension of Time of Tribal Land Bidding Credit Construction Requirement for Advanced Wireless Service License, File No. 0004451589 (Nov. 12, 2010); Supplement to Request for Waiver and Extension of Time, File No. 0004451589 (Dec. 9, 2010); Second Supplement to Request for Waiver and Extension of Time, File No. 0004451589 (Mar. 29, 2011); Third Supplement to Request for Waiver and Extension of Time, File No. 0004451589 (Apr. 7, 2011); Fourth Supplement to Request for Waiver and Extension of Time, File No. 0004451589 (Nov. 16, 2011) (collectively, the “Request”). Space Data also requested a waiver and extension of Section 1.2110(f)(3)(iii), 47 C.F.R. § 1.2110(f)(3)(vii), so that the penalties for not satisfying a

Space Data previously requested extensions of the TLBC construction deadline from December 12, 2010 to September 12, 2012 for the A Block Advanced Wireless Service (“AWS”) license WQIA880 (the “License”) for the Alaska 1 – Wade Hampton cellular market area. As previously explained in the record, despite its best efforts, Space Data has faced significant challenges in constructing a wireless network that could provide service to the Atqasuk Village community. The remote location of the Atqasuk Village led to unforeseen technical issues, specifically with acquiring a suitable base station for its terrestrial network. Space Data previously determined that backhaul transmission in the North Slope region of Alaska could be provided only through geostationary satellite links because the remote location and challenging terrain prevent the use of traditional wireline fiber backhaul or wireless microwave facilities. The satellite backhaul solution, however, created additional, unforeseen latency issues with available AWS base stations.

Space Data was unable to find suitable third generation (“3G”) equipment that could operate in light of the long latency links needed for rural areas such as the Atquask Village. Lemko Corporation (“Lemko”), however, has recently developed a fourth generation (“4G”) long term evolution (“LTE”) distributed mobile wireless network solution that meets Space Data’s needs. The solution uses a base radio that was only recently type approved in early August for use in the United States.³

Space Data had scheduled training, installation and testing of the base radio for late August and early September, so that its network would be operational by September 12, 2012. Delivery of the base station, however, which is being shipped from overseas, has not yet been released by U.S. Customs. Once it is released, Lemko will need to program the equipment and Space Data

TLBC construction deadline (i.e., repayment of the TLBC or license cancellation) also are extended until the Commission acts on the request.

³ A copy of the equipment authorization is attached as Exhibit A.

representatives will need to be trained in its operations. The base station then will need to be shipped to the Atqasuk Village, installed and tested.

Accordingly, due to continued challenges and unique circumstances beyond its control, Space Data requests that the TLBC construction deadline for the License be further extended until November 12, 2012, which should provide Space Data with sufficient time to obtain, install and test the necessary equipment. As previously demonstrated in the record, extending the deadline by which Space Data must meet its TLBC construction requirements would serve the public interest by bringing wireless services to one of the most remote areas of the nation. Moreover, strict adherence to the TLBC construction deadline in this case would be counter to the underlying public interest rationale of the TLBC program of bringing badly needed telecommunications services to Alaska Native communities and potentially deny members of the Atqasuk Village access to communications services they might otherwise receive. Further extending the TLBC construction deadline in this case also is consistent with Commission precedent.⁴ Accordingly, Space Data urges the Commission to grant its request to extend the TLBC deadline for the Atqasuk Village an

⁴ The Commission previously granted Ronan Telephone Company three successive one-year extensions of the deadline to meet the build out requirements for the Blackfeet Indian Reservation in Montana. *See Ronan Tel. Co. Request for Waiver and Extension of Time of Tribal Land Bidding Credit Construction Requirement*, Order, 22 FCC Rcd 972 (WTB 2007); *Ronan Tel. Co. Request for Waiver and Extension of Time of Tribal Land Bidding Credit Construction Requirement*, Order, 23 FCC Rcd 845 (WTB 2008); *Ronan Tel. Co. Request for Waiver and Extension of Time of Tribal Land Bidding Credit Construction Requirement*, Order, 24 FCC Rcd 983 (WTB 2009).

See also Extending Wireless Telecommunications Services to Tribal Lands, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 11794, 11809 (2000) (“[W]e are willing to consider relaxing our [TLBC] build out requirements in cases where parties can demonstrate that doing so will expedite deployment of service to tribal lands.”); *Extending Wireless Telecommunications Services to Tribal Lands*, Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 4775, 4783 (2003) (“[T]here may be conditions, such as technical obstacles, economic factors or other difficulties that may make it difficult for carriers to satisfy the stricter [TLBC] construction requirement. Circumstances may exist on remote tribal lands such as low population density, rough terrain, or other factors that can negatively affect the ability of carriers to provide the requisite coverage to facilities in those areas.”).

additional two months until November 12, 2012. Space Data is committed to serve the Atqasuk Village, and will continue to work diligently to complete its TLBC construction process.

Respectfully Submitted,

By: /s/Jennifer L. Kostyu

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Counsel to Space Data Corporation

September 10, 2012

EXHIBIT A

TCB**GRANT OF EQUIPMENT
AUTHORIZATION****TCB****Certification****Issued Under the Authority of the
Federal Communications Commission****By:****British Approvals Board for
Telecommunications (BA
Balfour House Churchfield Road
Walton-on-Thames, Surrey, KT12 2TD
United Kingdom****Date of Grant: 08/03/2012****Application Dated: 08/03/2012****ZTE Corporation
ZTE Plaza, Hi-tech Park, Nanshan District,
Shenzhen, Guangdong, 518057
China****Attention: Royce Wang , Product Certification Manager****NOT TRANSFERABLE**

EQUIPMENT AUTHORIZATION is hereby issued to the named GRANTEE,
and is VALID ONLY for the equipment identified hereon for use under the
Commission's Rules and Regulations listed below.

FCC IDENTIFIER: Q78-R8882S1700**Name of Grantee:** ZTE Corporation**Equipment Class:** Licensed Non-Broadcast Station Transmitter**Notes:** Macro Radio Remote Unit

<u>Grant Notes</u>	<u>FCC Rule Parts</u>	<u>Frequency Range (MHZ)</u>	<u>Output Watts</u>	<u>Frequency Tolerance</u>	<u>Emission Designator</u>
MO	27	2120.0 - 2145.0	125.0	0.05 PM	17M8F9W
MO	27	2117.5 - 2147.5	114.0	0.05 PM	13M8F9W
MO	27	2115.0 - 2150.0	129.0	0.05 PM	8M92F9W
MO	27	2112.5 - 2152.5	116.0	0.05 PM	4M47F9W

Power output listed is conducted per port. The antenna(s) used for this transmitter must be fixed-mounted on outdoor permanent structures. RF exposure compliance is addressed at the time of licensing, as required by the responsible FCC Bureau(s), including antenna co-location requirements of §1.1307(b)(3).

MO: This Multiple Input Multiple Output (MIMO) device was evaluated for multiple transmitted signals as indicated in the filing.

