

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

In the Matter of)	
)	
NetSat 28 Company, L.L.C.)	
)	
For Authority to Construct, Launch, and Operate a)	
Ka-Band Communications Satellite in the Fixed-)	File No. SAT-WAV-20001215-00164
Satellite Service in Orbital Location 95° W.L.)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: May 24, 2001

Released: May 25, 2001

By the Chief, International Bureau:

I. INTRODUCTION

1. In this Order, we grant a petition for waiver of a construction commencement milestone filed by NetSat 28 Company L.L.C. (NetSat 28). This action will enable NetSat 28 to complete construction of its Ka-band satellite system.

II. BACKGROUND

2. In 1997, the International Bureau (Bureau) authorized NetSat 28 to construct, launch, and operate a geostationary-orbit satellite at the 95° W.L. orbital location to provide fixed-satellite service in the United States in the Ka-band.¹ This authorization was granted as part of the first “processing round” of Ka-band systems, in which the Bureau authorized a total of 13 Ka-band systems, including NetSat 28’s system.² Satellite systems in this band have the potential to provide a wide variety of broadband interactive digital services in the United States and around the world, including voice, data, video, videoconferencing, facsimile, computer access and telemedicine.³

3. NetSat 28’s license, like all satellite licenses, required the licensee to meet explicit system implementation deadlines, or “milestones.” Milestones are necessary to ensure “that licensees are building their systems in a timely manner and that the orbit-spectrum is not being

¹ NetSat 28 Company, L.L.C., *Order and Authorization*, 13 FCC Rcd 1392 (Int’l Bur. 1997) (*NetSat 28 Authorization Order*). For purposes of this Order, the Ka-band is the 19.7–20.2 GHz, 28.35–28.6 GHz, and 29.25–30.0 GHz frequency bands.

² Assignment of Orbital Locations to Space Stations in the Ka-band, *Order*, 13 FCC Rcd 13737 (1996).

³ See Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission’s Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Reallocate the 29.5–30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, *Third Report and Order*, CC Docket No. 92-297, 12 FCC Rcd 22310, 22311 (para. 1) (1997).

held by licensees unable or unwilling to proceed with their plans.”⁴ NetSat 28’s authorization stated the authorization would be null and void unless NetSat 28 commenced construction of its system by May 1998.⁵ In response to our request that NetSat 28 provide a copy of its non-contingent construction contract,⁶ so we could determine whether it had met its construction commencement milestone, NetSat 28 provided a contract that took effect on December 17, 1999.⁷ Thus, NetSat 28 missed its milestone by approximately 18 months.⁸ NetSat 28 had not requested an extension of its construction commencement milestone, and the record at that time did not provide any basis for extending or waiving that milestone.⁹ Accordingly, the Bureau concluded that NetSat 28’s Ka-band license was null and void, and that the orbital assignment granted to NetSat 28 was available for reassignment.¹⁰

4. On December 15, 2000, NetSat 28 petitioned for waiver of the construction commencement milestone, and requested us to grant a transfer of control application.¹¹ We placed the petition on public notice.¹² Pacific Century Group, Inc. (PCG) and TRW, Inc. (TRW) filed oppositions to NetSat 28’s petition, and NetSat 28 filed a reply.¹³ NetSat 28 asserts that it has provided “good cause” for a waiver within the meaning of Section 1.3 of the Commission’s rules.¹⁴ PCG and TRW assert that we cannot grant a waiver of a license condition after the license has been declared null and void.

5. For the reasons discussed below, we conclude that NetSat 28 has shown good cause for a waiver of its construction commencement milestone. Accordingly, on our own motion, we

⁴ *NetSat 28 Authorization Order*, 13 FCC Rcd at 1401 (para. 26); Columbia Communications Corporation, *Memorandum Opinion and Order*, 15 FCC Rcd 15566, 15571 (para. 11) (Int’l Bur. 2000).

⁵ *NetSat 28 Authorization Order*, 13 FCC Rcd at 1403 (para. 31).

⁶ Letter from Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, FCC, to Albert Shuldiner, Esq., Vinson & Elkins, L.L.P., Counsel for NetSat 28 (Dec. 9, 1999) (*December 9 Letter*).

⁷ NetSat 28 Company, L.L.C., *Memorandum Opinion and Order*, 15 FCC Rcd 11321, 11323 (para. 7) (Int’l Bur. 2000) (*NetSat 28 Revocation Order*), *application for review pending*.

⁸ *NetSat 28 Revocation Order*, 15 FCC Rcd at 11323 (para. 7).

⁹ *NetSat 28 Revocation Order*, 15 FCC Rcd at 11323 (para. 7).

¹⁰ *NetSat 28 Revocation Order*, 15 FCC Rcd at 11324 (paras. 10-12).

¹¹ NetSat 28 filed a transfer of control application in July 1999. The Bureau dismissed that application as moot. *NetSat 28 Revocation Order*, 15 FCC Rcd at 11323 (para. 9).

¹² Satellite Policy Branch Informaton, *Public Notice*, Report No. SAT-00063 (released Jan. 5, 2001).

¹³ PCG filed its opposition on December 29, 2000, and TRW on December 26, 2000. NetSat 28 filed its reply on January 3, 2001. PCG also filed a motion to accept late-filed pleadings. Because PCG did not file its comments late, we dismiss its motion as moot.

¹⁴ 47 C.F.R. § 1.3.

reinstate NetSat 28's license under Section 25.163(a) of the Commission's rules,¹⁵ and we grant its petition for waiver.¹⁶ NetSat 28 also requests an extension of its construction completion and launch milestones. We conclude below that NetSat 28 provides adequate justification for extension of those two milestones. Finally, we dismiss a NetSat 28 motion for stay as moot, and we defer action on NetSat 28's transfer of control application to another proceeding.

III. DISCUSSION

A. Waiver Standard

6. Rules may be waived if there is "good cause" to do so.¹⁷ Waiver is appropriate if (1) special circumstances warrant a deviation from the general rule, and (2) such deviation would better serve the public interest than would strict adherence to the general rule.¹⁸ Circumstances that would justify a waiver include "considerations of hardship, equity, or more effective implementation of overall policy."¹⁹ Also, if the Commission grants waivers, it must identify and articulate reasonable standards that are predictable, workable, and not susceptible to discriminatory application.²⁰ Generally, the Commission may grant a waiver of its rules in a particular case only if the relief requested would not undermine the policy objective of the rule in question, and would otherwise serve the public interest.²¹

1. Special Circumstances

7. We find that the Commission's actions in the *MobileMedia* proceeding made it more difficult than it would have been otherwise for NetSat 28 to attract investors; and this constitutes special circumstances that justify a waiver of its construction completion milestone. In April 1997, the Commission issued an Order to Show Cause with respect to MobileMedia Corporation and several of its subsidiaries (MobileMedia), which held several Commission licenses to operate

¹⁵ 47 C.F.R. § 25.163(a).

¹⁶ NetSat 28 also filed an application for review of the *NetSat 28 Revocation Order* on July 26, 2000. The Commission will address the arguments in NetSat 28's application in a future Order.

¹⁷ See Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3. See also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969) (*WAIT Radio*); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

¹⁸ *Northeast Cellular*, 897 F.2d at 1166. See also *Comsat Corporation, Petition for Partial Relief from the Current Regulatory Treatment of Comsat World Systems' Switched Voice, Private Line, and Video and Audio Services, Order*, 11 FCC Rcd 9622, 9625 (para. 10) (1996); *Petition of General Communications, Inc. for a Partial Waiver of the Bush Earth Station Policy, Memorandum Opinion and Order*, 11 FCC Rcd 2535, 2536 (para. 4) (Int'l Bur. 1996).

¹⁹ *WAIT Radio*, 418 F.2d at 1159.

²⁰ *Northeast Cellular*, 897 F.2d at 1166.

²¹ *WAIT Radio*, 418 F.2d at 1157; *Dominion Video Satellite, Inc., Order and Authorization*, 14 FCC Rcd 8182, 8185 (para. 5) (Int'l Bur., 1999) (*Dominion Video*).

paging services.²² There was reason to believe that MobileMedia had misrepresented facts in several applications for Commission paging licenses, thereby raising a substantial and material question of fact as to MobileMedia's qualifications to be a Commission licensee, as well as the qualifications of its corporate officers and members of its Board of Directors.²³

8. Because one of MobileMedia's principles is the owner of a company with ownership interests in NetSat 28, the Bureau reconsidered the *NetSat 28 Authorization Order* on its own motion in June 1997 to condition NetSat 28's Ka-band license on the outcome of the investigation in the *MobileMedia* proceeding.²⁴ The Commission, however, later clarified the *MobileMedia Hearing Designation Order* to state that the allegations of lack of candor should have been limited to only four MobileMedia officers, none of which were the holder of NetSat 28 interests identified in the *NetSat 28 Reconsideration Order*.²⁵ The Bureau terminated this condition in April 1998.²⁶ NetSat 28 observes that the license condition imposed in response to the *MobileMedia* proceeding remained in effect for several months, and claims it substantially limited NetSat 28's ability to raise capital to implement its Ka-band satellite system.²⁷

9. Ordinarily, efforts to raise financing cannot justify an extension or a waiver of a milestone.²⁸ Financing usually involves business decisions wholly within the control of the licensee, and the Commission does not grant waivers or extensions of milestones based on licensees' business decisions.²⁹ In this case, however, NetSat 28 faced difficulty in raising financing as a direct result of a Commission Order which the Commission later determined was

²² MobileMedia Corporation, *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing for Forfeiture*, WT Docket No. 97-115, 12 FCC Rcd 14896 (1997) (*MobileMedia Hearing Designation Order*).

²³ *MobileMedia Hearing Designation Order*, 12 FCC Rcd at 14899-14900 (paras. 8-9).

²⁴ NetSat 28 Company, L.L.C., *Order on Reconsideration*, 12 FCC Rcd 7727 (Int'l Bur. 1997) (*NetSat 28 Reconsideration Order*).

²⁵ MobileMedia Corporation, *Order*, WT Docket No. 97-115, 12 FCC Rcd 11861 (1997) (*MobileMedia Clarification Order*).

²⁶ NetSat 28 Company, L.L.C., *Order*, 13 FCC Rcd 16434 (Int'l Bur. 1998).

²⁷ NetSat 28 Petition at 4-5.

²⁸ See Advanced Communications Corporation, *Memorandum Opinion and Order*, 11 FCC Rcd 3399, 3417 (para. 45) (1995) (*Advanced Order*) (delays related to negotiations with potential investors do not constitute adequate justification for extension of milestones). See also Columbia Communications Corporation, *Memorandum Opinion and Order*, 15 FCC Rcd 15566, 15571-72 n.35 (Int'l Bur. 2000) (*First Columbia Modification Order*).

²⁹ *Advanced Order*, 11 FCC Rcd at 3417 (para. 45); MCI Communications Corporation, *Memorandum Opinion and Order*, 2 FCC Rcd 233, 234 (para. 7) (1987) (*MCI Order*); American Telephone and Telegraph Company and Ford Aerospace Satellite Services Corporation, *Memorandum Opinion and Order*, 2 FCC Rcd 4431, 4433-34 (paras. 21-23) (1987); Tempo Enterprises, Inc., *Memorandum Opinion and Order*, 1 FCC Rcd 20 (1986).

overbroad. Thus, NetSat 28 faced hardship as a consequence of a Commission action, and so equity considerations weigh in favor of granting the waiver NetSat 28 seeks.³⁰

2. Policy Objective of the Rule in Question

10. The policy objective of the Commission's milestone requirements is to ensure that licensees cannot "warehouse" increasingly scarce orbital resources.³¹ The construction commencement milestone is crucial to the Commission's warehousing policies, to ensure that unused spectrum is reassigned as quickly as possible to another qualified entity when there are substantial doubts as to whether the licensee intends to or is able to proceed with its business plan.³²

11. NetSat 28 has entered into a construction contract that is sufficient to show that NetSat 28 can complete the construction of its satellite and launch it within a reasonable time frame. Therefore, granting NetSat 28 a waiver in this case does not appear to be likely to result in any significant delay in bringing the 95° W.L. orbital location into use. Thus, granting NetSat 28 a waiver will not facilitate warehousing, and so will not undermine the Commission's milestone policy.

B. Timing of Waiver Request

12. PCG and TRW argue that NetSat 28 should have filed its petition for waiver before the construction commencement milestone expired. PCG and TRW assert that we cannot waive a condition in NetSat 28's license after we declared that license null and void.³³

13. We disagree with PCG and TRW that we are precluded from considering NetSat 28's waiver request because it was filed after NetSat 28's license was rescinded. We revoked the license because NetSat 28 did not meet a condition in that license.³⁴ If NetSat 28 had justified a waiver of that condition at the time of the *NetSat 28 Revocation Order*, we would have had no basis for revoking NetSat 28's license.³⁵ Section 25.163(a) of the Commission's rules allows the Commission to reinstate licenses if it would "best serve the public interest, convenience, and necessity."³⁶ Because NetSat 28 has shown that a waiver of the construction commencement

³⁰ The Court in *WAIT Radio* directed the Commission to include considerations of hardship and equity in reviewing waiver petitions. *WAIT Radio*, 418 F.2d at 1159.

³¹ *First Columbia Modification Order*, 15 FCC Rcd at 15571 (para. 11), National Exchange Satellite, Inc., *Memorandum Opinion and Order*, 7 FCC Rcd 1990, 1991 (para. 8) (Com. Car. Bur. 1990); *MCI Order*, 2 FCC Rcd 233.

³² Columbia Communications Corporation, *Memorandum Opinion and Order*, 15 FCC Rcd 16496, 16504 (para. 21) (Int'l Bur. 2000) (*Second Columbia Modification Order*).

³³ PCG Opposition at 3-5; TRW Opposition at 2-4.

³⁴ *NetSat 28 Revocation Order*, 15 FCC Rcd at 11323 (para. 8).

³⁵ See *NetSat 28 Revocation Order*, 15 FCC Rcd at 11323 (para. 8) (revoking NetSat 28's license in part because the record at that time provided no basis for waiving or otherwise extending the construction commencement milestone).

³⁶ 47 C.F.R. § 25.163(a).

milestone is warranted, and there is no other basis in the record for revoking NetSat 28's license, we conclude that reinstating NetSat 28's Ka-band license would "best serve the public interest, convenience, and necessity" within the meaning of Section 25.163(a).

14. The Commission has interpreted Section 25.161(a) as precluding consideration of a milestone waiver request filed after the milestone has passed.³⁷ We find that, for the same reasons that there is good cause for reinstating NetSat 28's license and waiving its construction commencement milestone, there is good cause for waiving Section 25.161(a) for purposes of considering NetSat 28's waiver request filed after its construction commencement milestone had passed.

15. As we explained above, a rule waiver is appropriate if (1) special circumstances warrant a deviation from the general rule, and (2) such deviation would better serve the public interest than would strict adherence to the general rule.³⁸ We also found above that NetSat 28 faced special circumstances because the *MobileMedia* investigation made it difficult for NetSat 28 to attract financing, and that equity considerations compel us to reinstate NetSat 28's license. It would be inconsistent to conclude that equity compels us to reinstate NetSat 28's license, but then refuse to do so because NetSat 28 did not file its waiver request in a timely fashion.

16. The purpose of Section 25.161(a) is to facilitate reassignment of an orbital location as quickly as possible. We concluded above that waiving NetSat 28's construction commencement milestone is unlikely to result in any significant delay in bringing the 95° W.L. orbital location into use, and so a waiver of the construction commencement milestone would not undermine the purpose of that rule. For the same reason, we conclude that waiving Section 25.161(a) will not cause significant delay in bringing the 95° W.L. orbital location into use.

C. Other Considerations

17. NetSat 28 argues that the spot beams of its satellite will be particularly well suited to provide broadband service to rural communities, and this would further a Commission policy goal.³⁹ PCG argues that NetSat 28 is no better suited to provide broadband service to rural communities than other Ka-band licensees.⁴⁰

18. We recognize that promoting broadband service to rural communities is a very important policy goal. However, we disagree with NetSat 28 that it can justify a waiver of a milestone merely by asserting that its proposed service is more beneficial than services that might be provided by another satellite operator. As we explained above, the Commission grants milestone extensions and waivers only for circumstances outside the licensee's control. Choosing to provide a particular service is clearly within the licensee's control. Accordingly, we place no weight on this argument.

³⁷ See 47 C.F.R. § 25.161(a); Norris Satellite Communications, Inc., Application for Review of Order Denying Extension of Time to Construct and Launch Ka-band Satellite System, *Memorandum Opinion and Order*, 12 FCC Rcd 22299, 22307 (para. 20) (1997) (*Norris Review Order*).

³⁸ See, e.g., 47 C.F.R. § 1.3; *Northeast Cellular*, 897 F.2d at 1166.

³⁹ NetSat 28 Petition at 3-4.

⁴⁰ PCG Opposition at 5-6; TRW Opposition at 5.

D. Extension of Construction Completion and Launch Milestones

19. NetSat 28 requests one-year extensions of its construction completion and launch milestones.⁴¹ NetSat 28 claims that it needs additional time to make up for delays in system development and to reassemble its construction teams.⁴² NetSat 28 also argues that it had entered into a noncontingent construction contract which, although it took effect too late to meet the construction commencement milestone, had initially provided for completing construction and launching the satellite within the deadlines established in the *NetSat 28 Authorization Order*.⁴³ NetSat also notes that it had over 50 people working on satellite construction, completed arrangements for the satellite launch, and has expended over \$10 million on system development.⁴⁴

20. In the past we have found that unanticipated technical problems can justify a milestone extension.⁴⁵ NetSat 28's license was conditioned on the outcome of an unrelated Commission investigation, and the Commission later concluded that this condition was not warranted. We find that, in this case, NetSat 28 faced an unanticipated legal problem that had a similar effect as an unanticipated technical problem, and therefore an extension of the construction completion and launch milestones is justified in NetSat 28's case.

21. Although milestone extensions are generally granted only when the delay in implementation is due to circumstances beyond the control of the licensee, in every instance where the Commission has denied a milestone extension request, construction of the satellite either had not begun or was not continuing, thus raising questions regarding the licensee's intention to proceed.⁴⁶ Because NetSat 28 has commenced construction of its satellite,⁴⁷ and has arranged for the launch of the satellite,⁴⁸ it has shown a firm commitment to proceed with its

⁴¹ NetSat 28 seeks extension of its construction completion milestone from April 2002 to April 2003, and its launch milestone from May 2002 to May 2003. NetSat 28 Petition at 6.

⁴² NetSat 28 Petition at 6.

⁴³ NetSat 28 Petition at 3.

⁴⁴ NetSat 28 Petition at 3.

⁴⁵ See AMSC Subsidiary Corporation, Application for Modification of Construction Permit and License for the AMSC-1 Satellite, *Order and Authorization*, 10 FCC Rcd 3791 (Int'l Bur., Sat. and Rad. Div., 1995) (short milestone extension granted to permit licensee to resolve unanticipated technical problems with antenna); American Telephone and Telegraph Company, Application for Modification of Construction Permit and License for the Telstar 402 Satellite, *Order and Authorization*, 9 FCC Rcd 2607 (Domestic Facilities Div., 1994) (short milestone extension granted to permit licensee to resolve unanticipated technical problems).

⁴⁶ Application of AMSC Subsidiary Corporation for to Modify Space Station Authorizations in the Mobile Satellite Service, *Memorandum Opinion and Order*, 8 FCC Rcd 4040, 4042 (para. 13) (1993) (*AMSC Order*); EarthWatch, Incorporated, Modification of Authorization to Construct, Launch, and Operate a Remote Sensing Satellite System, *Order and Authorization*, 15 FCC Rcd 13594, 13597-98 (para. 10) (Int'l Bur., Sat. and Rad. Div., 2000).

⁴⁷ See NetSat 28 Application for Review at 22.

⁴⁸ See NetSat 28 Opposition Petitions to Deny its Transfer of Control Application at 4-8.

business plan. Therefore, this case is distinguishable from cases in which the licensee seeks extension of a construction *commencement* milestone, in which the licensee has not even begun construction of its satellite by the date specified in its license.⁴⁹

22. We also find that a one-year milestone extension is not excessive in this case. Approximately ten months has passed since we cancelled NetSat 28's contract.⁵⁰ This has resulted in placing the construction of its satellite ten months behind schedule. An additional two months to reassemble its construction team is reasonable. In addition, we believe that it is appropriate to extend NetSat 28's milestones an additional four months to account for the time that has passed since it filed its petition for waiver.

E. Petition for Stay

23. On August 22, 2000, NetSat 28 filed a motion to "stay" the finding that its license was null and void. In light of our action in this Order, we dismiss that motion as moot.

F. Transfer of Control Application

24. NetSat 28 filed a transfer of control application on July 27, 1999. We dismissed that application as moot in the *NetSat 28 Revocation Order*.⁵¹ NetSat 28 now requests us to grant its transfer of control application.⁵² Section 25.112(b)(2) of the Commission's rules gives us authority to consider otherwise defective applications upon our own motion.⁵³ In light of our waiver of NetSat 28's construction commencement milestone in this Order, we find that its transfer of control application should no longer be considered moot. Accordingly, under Section 25.112(b)(2), we will consider NetSat 28's transfer of control application, together with all the pleadings filed in response to that application, in a future Order.

⁴⁹ The Commission has concluded on several occasions that failure to begin construction raises substantial doubts as to whether the licensee intends to or is able to proceed with its business plan. See *AMSC Subsidiary Corporation, Applications to Modify Space Station Authorizations in the Mobile Satellite Service, Memorandum Opinion and Order*, 8 FCC Rcd at 4042 (para. 13) (failing to begin construction raises questions regarding the licensee's intention to proceed); *Norris Review Order*, 12 FCC Rcd at 22306 (para. 17) (by failing to commence construction or request extension within the milestone deadline, licensee in that Order did not demonstrate a commitment to proceed with its proposed system). See also *AMSC Order*, 8 FCC Rcd 4040, 4042-43 (para. 14) (construction commencement demonstrates intention to proceed with business plan); Application of GE American Communications, Inc., for Orbital Reassignment and for Modification of Authorization to Construct and Launch the Satcom H-1 Domestic Fixed-Satellite, *Memorandum Opinion and Order*, 7 FCC Rcd 5169, 5169 (para. 3) (Com. Car. Bur. 1992) (construction commencement demonstrates intention to proceed with business plan); *EarthWatch Order*, 15 FCC Rcd at 18727 (para. 8).

⁵⁰ The *NetSat 28 Revocation Order* was released on June 26, 2000.

⁵¹ *NetSat 28 Revocation Order*, 15 FCC Rcd at 11323 (para. 9).

⁵² NetSat 28 Petition at 7.

⁵³ 47 C.F.R. § 25.112(b)(2).

IV. ORDERING CLASUES

25. Accordingly, IT IS ORDERED that, pursuant to Section 25.163(a) of the Commission's rules, 47 C.F.R. § 25.163(a), the license declared null and void in the *NetSat 28 Revocation Order*, 15 FCC Rcd 11321 (2000) IS REINSTATED.

26. IT IS FURTHER ORDERED that, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, NetSat 28 Company, L.L.C., IS GRANTED a waiver of Section 25.161(a) of the Commission's rules, 47 C.F.R. § 25.161(a), to the extent necessary to allow us to consider NetSat 28's petition for waiver of its construction commencement milestone.

27. IT IS FURTHER ORDERED that, pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, the petition for waiver of a construction commencement milestone, filed by NetSat 28 Company, L.L.C., on December 15, 2000, IS GRANTED.

28. IT IS FURTHER ORDERED that the request to extend construction completion and launch milestones, filed by NetSat 28 Company, L.L.C., on December 15, 2000, IS GRANTED.

29. IT IS FURTHER ORDERED that, unless extended by the Commission for good cause shown, this authorization shall become NULL AND VOID in the event the space station is not launched and successfully placed into operation in accordance with this authorization by the following dates:

<u>Complete Construction</u>	<u>Launch</u>
August 2003	September 2003

30. IT IS FURTHER ORDERED that the motion for stay filed by NetSat 28 Company, L.L.C., on August 22, 2000, IS DISMISSED AS MOOT.

31. This Order is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the release of this Order. (*See* 47 C.F.R. § 1.4(b)(2).)

FEDERAL COMMUNICATIONS COMMISSION

Donald Abelson
Chief, International Bureau