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May 14, 2003

Received
MAY 19 2003
Policy Branch
International Bureau

Tricia Paoletta
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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E., Suite 110
Washington, DC 20002

RECEIVED

MAY 14 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Errata
Final Analysis Communication Services, Inc.
Petition for Waiver (filed Mar. 29, 2002);
File Nos. SAT-LOA-19941116-00088;
SAT-AMD-19950224-00033; SAT-AMD-19960223-00031;
SAT-AMD-19960819-00107; SAT-AMD-19971030-00175

Dear Ms. Dortch:

On May 12, 2003, New York Satellite ("NYS") filed a letter to provide a timeline of the progress of the FAISAT system in the above-captioned proceeding. Counsel recently discovered a minor error on page two, the second line from the end of the page. A period was inadvertently deleted between the words dates and upon. Attached please find a corrected version of the letter. Please replace the currently filed version of the letter with the attached corrected version.

Please do not hesitate to contact the undersigned should you have any questions.

Sincerely,


Patricia J. Paoletta



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May 12, 2003

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Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Final Analysis Communication Services, Inc.
Petition for Waiver (filed Mar. 29, 2002);
File Nos. SAT-LOA-19941116-00088;
SAT-AMD-19950224-00033; SAT-AMD-19960223-00031;
SAT-AMD-19960819-00107; SAT-AMD-19971030-00175

Dear Madame Secretary:

New York Satellite (“NYS”) by its counsel files this letter to provide a timeline of the progress of the FAISAT system. The attached letter (and its attachments) clarifies the legal restrictions outside Final Analysis Communication Services, Inc.’s (“FACS”) control that led to missing its milestones, and provides information on how FACS, once NYS purchased controlling shares of FACS at FAI’s bankruptcy sale, has continued to make progress in developing its FAISAT system. The attachments to this letter are confidential.

Wiley Rein & Fielding (“WRF”) represents NYS, the current owner of the licensee, FACS. Once certain creditors of FAI (FACS’ previous owner and prime contractor) filed Chapter 7 proceedings against it, FAI was no longer a going concern and its assets were sold in liquidation. FAI was FACS’ prime contractor to develop the Little LEO system. Upon the involuntary bankruptcy of FAI, FACS was unable to force FAI to perform under its contract to deploy the system, and the Trustee prohibited FACS from entering into new contracts. NYS purchased controlling shares of FACS from the bankruptcy court in January 2002, and subsequently FACS filed for a transfer of control with the Commission. Once the transfer was approved, FACS filed with the State Department for approval of the Technical Assistance Agreement (“TAA”) to share data with its contractor, Polyot of Russia. That TAA, while expected in the near term, is still pending (although not for an unusually long period).

Marlene Dortch
May 12, 2003
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Below is a timeline that lists the seminal events demonstrating uncontrollable legal restrictions and despite those restrictions, progress on the FAISAT system:

1. Aug. 2001 – FACS signed secondary payload contract for \$10 M, with \$2 M installment paid to FACS in Sept. 2001.
2. Sept. 2001 – Involuntary filing against FAI by certain of FAI's creditors
3. Oct. 2001 – Trustee appointed in involuntary Chapter 7 bankruptcy
4. Dec. 2001 – bankruptcy sale of FAI's assets noticed
5. Jan. 2002 – Bids, auction, sale to NYS closed, but stock remained under Trustee's control, pending FCC approval
6. Jan. 2002 – FACS filed with FCC for transfer of control to NYS
7. May 2002 – \$10 M new financing raised by NYS
8. August 2002 – FCC granted transfer of control; FACS applied to register with State Department, commencing TAA effort
9. Sept. 2002 – Controlling shares of FACS transferred by Trustee to NYS
10. Nov. 2002 – launch and space craft bus contracts signed by NYS with Polyot
11. Feb. 2003 – \$20 M service provider and investment agreements signed by FACS with SE Asian entity to invest in FACS and provide FACS services in SE Asia
12. December 2003 – first set of flight radios and related equipment to be delivered to FACS

We request confidential treatment of the attachments, including FACS' letter to State Department earlier this year seeking approval of the TAA. To reiterate our request to the Bureau, NYS requests that the Bureau not release any order on the waiver petition until such time as it reviews the attached and FACS has obtained TAA approval and therefore can provide unconditional launch dates. Upon receipt of TAA approval, FACS could launch its first two satellites (from which FACS

Marlene Dortch
May 12, 2003
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could provide commercial service) by December 2004 and launch the remaining satellites by December 2006.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tricia Paoletta', with a long horizontal flourish extending to the right.

Tricia Paoletta

Attachments

cc (with attachments):

Don Abelson
Bryan Tramont
Jennifer Manner
Sam Feder
Paul Margie
Barry Ohlson
Jackie Ruff
Anna M. Gomez
Thomas S. Tycz
Cassandra Thomas
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