



Federal Communications Commission
Washington, DC 20554

International Bureau

July 18, 2002

VIA FACSIMILE AND U.S. MAIL

Mr. David A. Nall
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, NW
P.O. Box 407
Washington, DC 20044

Re: The Boeing Company, File Nos. 179-SAT-P/LA (16); 90-SAT-AMEND-98(20), IBFS Nos. SAT-LOA-19970926-00149; SAT-AMD-19980318-00021; SAT-AMD-20001103-00159.

Dear Mr. Nall:

On July 17, 2001, the International Bureau ("Bureau") authorized The Boeing Company ("Boeing") to construct, launch and operate a satellite system to provide mobile-satellite service ("MSS") in the 2 GHz band.¹ In this Order, we assigned implementation milestones for the construction, launch, and operation of the satellite system. The license provides that failure to meet any of the implementation milestones will render the satellite authorization null and void. Boeing is also required to file a certification with the Commission within 10 days following each milestone.

To satisfy the first construction implementation milestone for 2 GHz MSS licenses, the Commission required the execution of a non-contingent construction contract by July 17, 2002.² The "non-contingent" requirement contemplates that there will be neither significant delays between the execution of the construction contract and the actual commencement of construction, nor conditions precedent to construction.³

In order for the Commission to determine whether Boeing has complied with this milestone condition of its license, please submit a copy of the signed executed contract that satisfies Boeing's obligations under the first milestone and verifies that Boeing's satellites will be built within the time frame specified in Boeing's license. This submission should also include a copy

¹ The Boeing Company, Application Concerning Use of the 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System, *Order and Authorization*, 16 FCC Rcd 13691 (Int'l Bur. 2001)(DA 01-1631).

² *Id.* at ¶ 44.

³ See PanAmSat Licensee Corp., Application for Authority to Construct, Launch, and Operate a Ka-Band Communications Satellite System in the Fixed-Satellite Service at Orbital Locations 58° W.L. and 125° W.L., *Memorandum Opinion and Order*, 15 FCC Rcd 18720 (Int'l Bur. 2000) *aff'd*, 16 FCC Rcd 11534 (2001).

of the Statement of Work as well as technical specifications. This information must be filed with the Commission's Secretary by **July 29, 2002**, with a hand delivered courtesy copy to Howard Griboff of my staff. Failure to provide this information by this date shall render Boeing's 2 GHz MSS license null and void. Please contact Howard Griboff at (202) 418-0657 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Cassandra C. Thomas".

Cassandra C. Thomas
Deputy Chief, Satellite Division