

Before The
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of:

KaStarCom World Satellite, LLC

Amendment to
Application for Launch and Operating Authority

SAT-AMD-20010607-00050
SAT-LOA-19980312-00018

To: Chief, International Bureau

Received

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CONSOLIDATED OPPOSITION

Satellite Policy Branch
International Bureau

KASTARCOM WORLD SATELLITE, LLC

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Summary

KaStarCom World Satellite, LLC (“KaStarCom”) hereby opposes the petitions to deny its “amendment” filed by Pegasus Development Corporation (“Pegasus”) and DirectCom Networks, Inc. (“DirectCom”), and requests grant of its application with the preferences most recently stated in its June 7, 2001 response to Commission staff request (“KaStarCom Letter”).

In the KaStarCom Letter, KaStarCom re-affirmed its previously-stated preference for allocation of the 73° W.L. (500 MHz), 109.2° W.L.(500 MHz) and 111° W.L. (1000 MHz) orbital locations in the ongoing second Ka-band processing round. Pegasus and DirectCom argue that the KaStarCom Letter is a “major” amendment subject to the cut-off protections of Section 25.116(c) of the Commission’s Rules because the change in orbital locations from KaStarCom’s application and the “addition” of a third slot would increase frequency conflicts.¹ Pegasus also asserts that KaStarCom’s proposal would exceed the limitation on full-CONUS slots.

Both Pegasus and DirectCom fail to appreciate that KaStarCom’s long-standing stated orbital preferences would *reduce* frequency conflicts and thus are permissible exceptions to the general rule of Section 25.116(c). First, because KaStarCom plans to share its satellites at 73° W.L. and 109.2° W.L. with those of WB Holdings 1, LLC (“WildBlue”), a current Ka-band licensee, KaStarCom’s proposal reduces from two to one the number of additional satellites that will be launched through grant of its second-round application. This creates an additional slot for other participants in the second or subsequent processing rounds.

¹ DirectCom limits its challenge to only the 109.2° W.L. location, and does not oppose the assignment of the 73° W.L. and 111° W.L. slots to KaStarCom.

Second, Pegasus and DirectCom ignore the Commission's prevailing policy of waiving strict enforcement of its processing rules where, as is the case here, all filers can be accommodated. In the first Ka-band processing round, the Commission assigned orbital slots to applicants that differed from those they originally sought. In so doing, the Commission waived its rules requiring financial qualification, prohibiting changes to orbital locations and limiting the number of slots – CONUS or otherwise – available to applicants. Some first-round applicants, such as Comm, Inc., secured more than two full-CONUS slots. There has been no evidence to suggest that the Commission has altered these policies. Indeed, efforts by Pegasus and DirectCom to change *their* originally-specified orbital locations, but not permit KaStarCom to do so, smack of hypocrisy and have no merit. The Commission's rules and policies cannot be selectively enforced to the detriment of KaStarCom and the transparent benefit of Pegasus and DirectCom.

Third, it should be noted that KaStarCom has stated a preference for an encumbered orbital slot at 109.2° W.L. This location is less than 2° from KaStarCom's other preferred slot at 111° W.L. With both of these locations authorized to KaStarCom, there should be no question about short-spacing interference. Such would not be the case were the 109.2° W.L. slot assigned to DirectCom.

Finally, assigning KaStarCom the 73° W.L., 109.2° W.L. and 111° W.L. orbital locations would lead to fast and efficient use of orbital resources. By sharing satellites with WildBlue at 73° W.L. and 109.2° W.L., satellites can be placed in service sooner; by not assigning these slots, the spectrum will lay fallow until the conclusion of some future processing round. The public interest thus supports assignment of the 73° W.L., 109.2° W.L. and 111° W.L. slots to KaStarCom.

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To: Chief, International Bureau

CONSOLIDATED OPPOSITION

KaStarCom World Satellite, LLC ("KaStarCom"), by counsel, hereby submits its Consolidated Opposition to the Petitions to Deny filed by DirectCom Networks, Inc. ("DirectCom" and "DirectCom Petition") and Pegasus Development Corporation ("Pegasus" and "Pegasus Petition") against KaStarCom's above-referenced "amendment" that re-affirmed its preference for the 73° W.L., 109.2° W.L. and 111° W.L. orbital locations in the second Ka-band processing round.¹ As will be demonstrated herein, the Petitions are without merit, and KaStarCom's application, with the preferences listed most recently in its June 7, 2001 letter (the "KaStarCom Letter"), should be granted without delay.²

¹ See Public Notice, Report No. SAT-00073, released June 19, 2001; see Letter dated June 7, 2001 from Stephen E. Coran, Esq. to Magalie Roman Salas, Secretary of the FCC (the "KaStarCom Letter"). In addition, TRW Inc. ("TRW") filed a letter supporting KaStarCom's preferred orbital locations. See Letter dated July 5, 2001 from Stephen D. Baruch, Esq. to Magalie Roman Salas, Secretary of the FCC. KaStarCom will of course abide by FCC rules in coordinating with TRW to ensure that short spacing between 109.2° W.L. and 111° W.L. does not cause impermissible interference to TRW's proposed use of 113° W.L.

² The KaStarCom Letter was filed by counsel at the express request of Commission staff to confirm KaStarCom's interest in the slots designated for KaStarCom in the Majority Plan and the Revised Majority Plan in order to assist in the resolution of the second Ka-band processing round.

Introduction

For more than two years, participants in the second Ka-band processing round have had numerous discussions and meetings designed to achieve a voluntary private settlement of orbital locations. These negotiations, encouraged by Commission staff, followed the process that led to a successful resolution of the first Ka-band processing round in 1997. In May 1997, the Commission issued orders granting first-round authorizations and, in so doing, explicitly or implicitly waived its financial qualification, orbital slot limitation and “major” amendment rules.

On August 11, 2000, KaStarCom and the vast majority of other second-round participants filed the Majority Plan in which KaStarCom formally indicated its preference for the 73° W.L., 109.2° W.L. and 111° W.L. locations.³ Pegasus and DirectCom joined with CAI Data Systems, Inc. in submitting a Minority Plan. On November 1, 2000, the original parties to the Majority Plan, joined by PanAmSat Corporation, submitted the Revised Majority Plan, again identifying the 73° W.L., 109.2° W.L. and 111° W.L. slots for KaStarCom. *Significantly, both the Revised Majority Plan and the Minority Plan revealed that there are a sufficient number of available slots to accommodate all second-round participants.* In fact, as Hughes Network Systems observed in its June 26, 2001 letter to the Commission, it appears that only the 109.2° W.L. slot is contested, with full-CONUS slots still available.⁴

On June 7, 2001, at the express request of Commission staff, KaStarCom filed the KaStarCom Letter to re-affirm its interest in the 73° W.L., 109.2° W.L. and 111° W.L. slots it identified in the Majority Plan and the Revised Majority Plan. KaStarCom also stated that it

³ Given KaStarCom’s unwavering written statements as far back as August 2000 favoring assignment of the 73° W.L., 109.2° W.L. and 111° W.L. slots, DirectCom’s characterization of the KaStarCom Letter as a “last minute” or “eleventh hour” change rings hollow. *See* DirectCom Petition at 3, 4, 7, 9. DirectCom and other second-round participants have had ample opportunity to comment on the proposal. Indeed, it is DirectCom that is belatedly challenging KaStarCom’s long-standing preferences.

⁴ *See* Letter from Joslyn Read to Donald Abelson, Chief, International Bureau, at 2.

would share the 73° W.L. and 109.2° W.L. slots with WB Holdings 1, LLC (“WildBlue”), a first-round licensee authorized with 500 MHz at each such location, and explained the nature of their relationship in the operation of the shared satellites.⁵ The net result is that grant of KaStarCom’s preferred orbital locations would *reduce* the number of satellites being launched into space, thereby increasing the number of unencumbered orbital slots available to the other second-round participants. This result attains because, instead of launching at 52° E.L. and 175° W.L., as KaStarCom proposed in its 1997 application, KaStarCom would operate at a single location – 111° W.L. – and would jointly own satellites at the 73° W.L. and 109.2° W.L. locations.

Discussion

I. KaStarCom’s Orbital Preferences Unquestionably Should Be Considered in the Second Processing Round.

DirectCom and Pegasus contend that acceptance of KaStarCom’s request for orbital locations 73° W.L., 109.2° W.L. and 111° W.L. would impermissibly increase frequency conflicts, increase the number of satellites and propose changes to KaStarCom’s initially-requested orbital locations in violation of Section 25.116(c) of the Commission’s Rules. DirectCom objects specifically to KaStarCom’s preference for the 109.2° W.L. slot in light of DirectCom’s self-proclaimed interest in that same location. Pegasus argues that KaStarCom’s shift from the 52° E.L. and 175° W.L. slots identified in its application would place KaStarCom in violation of the Section 25.140(e) limitation on the initial assignment of full-CONUS slots. As a result, DirectCom and Pegasus state that the “amendment” requires consideration in a further processing round rather than alongside the other second-round Ka-band filings.

⁵ As both DirectCom and Pegasus are aware, all of the plans submitted to the Commission proposed different slots for a large number of the second-round participants. Those applicants were not, to KaStarCom’s knowledge, asked to “amend” their applications. Nor were amendments required as part of the settlement of the first Ka-band processing round. In light of KaStarCom’s proposal to share its satellite slots with WildBlue, it can only be assumed that this relationship formed the basis of the Commission staff’s decision to elicit comments on KaStarCom’s proposal – and no other. Otherwise, nearly every application would be deemed “amended” by the preferences expressed in the orbital plans.

Both DirectCom and Pegasus misapply Commission rules and ignore long-standing Commission policies. Section 25.116(c) permits such an amendment “where the amendment resolves frequency conflicts with . . . pending applications but does not create new or increased frequency conflicts.” Moreover, in addition to applying the exceptions to the cut-off rule, circumstances such as these where the number of available orbital slots exceeds the number of applications, the Commission will waive its rules to permit all applicants to be accommodated.⁶ More specifically, the Commission historically has waived its rules to accept changes in orbital slot preferences regardless of each applicant’s initial request, and treats all orbital locations, CONUS and non-CONUS, as fungible.

Even if the Commission were to find that a specific waiver of the cut-off rule is necessary in this case, the public interest in reducing congestion of the Ka-band orbital locations and frequencies compels grant of a waiver. Grant of KaStarCom’s preferred orbital locations will increase the number of unencumbered orbital slots available to other Ka-band filers, reduce the number of satellites launched into space and promote prompt construction of Ka-band facilities. Given that there are enough orbital locations available to accommodate the second round participants and the obvious efficiencies embodied in KaStarCom’s proposal, DirectCom and Pegasus have provided no reason for the Commission to reverse the processing policies that have been in force since the first days of the Ka-band service.

⁶ See *Amendment of the Commission’s Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, a Radiodetermination Satellite Service*, 104 FCC 2d 650, 60 RR 2d 298, 308 (1986); *Norris Satellite Communications, Inc.*, 7 FCC Rcd 4289, 71 RR 2d 187, 189-90 (1992) (“*Norris Satellite*”).

A. Orbital location preferences may be changed during a Ka-band processing round.

In asserting that KaStarCom's proposal would increase the number of satellites and thus increase interference, DirectCom and Pegasus conveniently ignore the fact that KaStarCom's proposal reduces from two to one the number of additional satellites that will be launched through grant of its second-round application. Far from increasing interference, this would free up an orbital slot for another second-round (or subsequent-round) participant, thereby reducing congestion and the potential for interference among Ka-band applicants.

Acceptance of KaStarCom's request for different orbital locations in the second processing round is clearly consistent with long-standing policies. In *Norris Satellite*, the Commission waived its financial qualification rules, stating that a waiver would promote use of the Ka-band spectrum without "preclud[ing] additional entities from implementing their own systems in [the Ka-] band."⁷ The Commission noted that Ka-band spectrum would "remain fallow if the standard is *not* waived."⁸ Consistent with this precedent, in the first Ka-band processing round, the International Bureau (the "Bureau") did not attempt to hold applicants to their initial orbital location proposals.⁹ Instead, the Commission adopted the orbital assignment plan that reflected the settlement that had been reached by the applicants in the processing round.¹⁰ DirectCom and Pegasus provide no evidence that there has been a change in this

⁷ *Norris Satellite*, 71 RR 2d at 189.

⁸ *Id.* at 190.

⁹ For example, first-round applicants EchoStar Satellite Corp., GE American Communications, Inc., Lockheed Martin Corp., Loral Aerospace Holdings, Inc. Morning Star Satellite Co., L.L.C., Visionstar, Inc. and NetSat 28 were ultimately authorized at full-CONUS orbital locations different from those proposed in their respective applications. See Public Notice, Report No. SPB-29 (DA 95-2273), released November 1, 1995; *Assignment of Orbital Locations to Space Stations in the Ka-Band, Order*, released December 19, 1997 (DA 97-2654) ("*Final First-Round Order*");

¹⁰ See *Final First-Round Order; Assignment of Orbital Locations to Space Stations in the Ka-Band, Order*, released May 9, 1997 (DA 97-677); *Order*, 11 FCC Rcd 13737 (1996) ("*Initial First Round Order*").

policy.¹¹ Indeed, the statements of Commission staff at the April 4, 2001 meeting of second-round participants, including DirectCom and Pegasus, confirmed that the policy is very much alive.

DirectCom incorrectly asserts that the circumstances presented in *Starsys* are analogous to those presented here.¹² In *Starsys*, a first round applicant for non-voice, non-geostationary (“NVNG”) Low-Earth Orbiting (“LEO”) MSS facilities sought to add frequencies after all of the first-round applicants had entered into an agreement (“Sharing Agreement”) contemplating operation on other frequencies, the Commission had adopted final rules for the NVNG service based on the Sharing Agreement and a second NVNG processing round had commenced and been cut-off. Given the existing Sharing Agreement, which the applicant had itself entered into, and the reliance of second round applicants on availability of the frequencies sought by *Starsys*, the Bureau ruled that *Starsys*’ request to add frequencies was a major amendment that must be considered in the second round.

Here, unlike the case in *Starsys*, KaStarCom and DirectCom are participants in the same ongoing processing round with contemporaneous claims to the 109.2° W.L. orbital location. Unlike the case in *Starsys*, KaStarCom has not previously entered into an agreement with other applicants to operate from a location other than 109.2° W.L. and, in fact, has joined with the majority of Ka-band applicants supporting its preference for this orbital location. DirectCom and other applicants have had formal notice of KaStarCom’s preferences since at least August 2000 when the Majority Plan was filed (and informal notice in the months preceding that filing in the context of the settlement discussions among the filers). Unlike the case in *Starsys*, there are no

¹¹ There is no basis for DirectCom’s suggestion that KaStarCom, and only KaStarCom, must accept its initial orbital locations because they are available. *See* DirectCom Petition at 9. Apparently, DirectCom would not apply this theory to its own situation.

¹² *Starsys Global Positioning, Inc.*, 11 FCC Rcd 1237 (1995); DirectCom Petition at 6, 8.

third round applications filed in reliance on second-round assignments, which have not been made.¹³ *Starsys* thus provides no basis for the Commission to suddenly overturn its satellite application processing round policies and deem the KaStarCom Letter a major amendment.

The facts presented here also contrast with the situation in *VITA*, cited by Pegasus, where Section 25.116 was strictly applied to an amendment proposing to add frequencies.¹⁴ In *VITA*, the applicant proposed to add a new satellite that would occupy a vacant orbital slot. By contrast, KaStarCom here proposes to adjust its orbital slots to permit the efficient sharing of satellites, resulting in the use of three orbital slots instead of four. Furthermore, as discussed above, the Commission's policies for processing Ka-band applications permit applicants to change orbital locations during the processing round.

Its protestations notwithstanding, DirectCom clearly has no greater rights to 109.2° W.L. than does KaStarCom. DirectCom claims that KaStarCom's orbital assignment preferences create rather than resolve frequency conflicts by conflicting with one of its alternative orbital preferences.¹⁵ This ignores the fact that KaStarCom's preference for the 109.2° W.L. slot resolves the potential for interference to others by placing the short-spaced 109.2° W.L. and 111° W.L. orbital locations in the hands of a single licensee. Less can be said of DirectCom's similarly-situated preference for 109.2° W.L. which would be short-spaced to KaStarCom's proposal for 111° W.L. To be clear, assignment to KaStarCom of its preferred slots would decrease congestion in the Ka-band arc and resolve frequency conflicts among the second-round participants.

¹³ In contrast to the situation here, *Starsys* involves a request to add frequencies, not orbital locations.

¹⁴ *Volunteers in Technical Assistance*, 12 FCC Rcd 13995 (1997); Pegasus Petition at 5 n.16.

¹⁵ DirectCom Petition at 7.

Incredibly, DirectCom argues that it has greater rights to 109.2° W.L. because it was forced off its purported pre-filing preferred locations of 93° W.L. and 103° W.L. by the FCC's actions in reassigning those slots on the eve of the second-round Ka-band cut-off date.¹⁶ However, DirectCom itself requested 107° W.L. and 117° W.L. – not 109.2° W.L. – when its purported pre-filing preferences became unavailable.¹⁷ Though unfortunate for DirectCom and perhaps other filers, the reassignment of the 93° W.L. and 103° W.L. slots is a matter entirely separate from whether KaStarCom should be allowed to change its orbital preferences to include 109.2° W.L. during the processing round, as has always been the case throughout the Commission's Ka-band processing.

Finally, KaStarCom notes with some curiosity that DirectCom complains of KaStarCom's preference for 500 MHz at 109.2° W.L. when two full-CONUS orbital locations with 1000 MHz of spectrum, 117° W.L. and 119° W.L., would be available to DirectCom under both the Minority Plan and the Revised Majority Plan. The Commission clearly should not be swayed by DirectCom's threat to insist on a second 1000 MHz full-CONUS slot,¹⁸ since such a slot is available and in fact was designated for DirectCom in the Revised Majority Plan despite its non-participation in the Plan. Given the availability of a full 1000 MHz at two full-CONUS locations, DirectCom's allegations against KaStarCom, as well as its feigned surprise at the contents of the KaStarCom Letter, appear to be less than genuine.

¹⁶ *Id.* at 2.

¹⁷ *Id.*

¹⁸ *Id.* at 10.

B. More than two full-CONUS orbital locations may be assigned to a single applicant under the Ka-band processing policies.

DirectCom and Pegasus likewise are mistaken in claiming that KaStarCom improperly seeks three full-CONUS orbital locations. As discussed above, pursuant to the Commission's long-standing policies for processing Ka-Band applications, where sufficient orbital slots are available, the Commission allows and in fact encourages applicants to negotiate orbital locations privately, without regard to the initial orbital slot proposals before the FCC.¹⁹

In the first round, the Bureau, without comment, waived the Section 25.140(e) restriction on the initial assignments of more than two CONUS orbital locations. For example, Comm, Inc. (Motorola) received four full-CONUS assignments.²⁰ Consistent with *Norris Satellite*, the Commission also expressly waived its financial qualification rules in the first Ka-band processing round, noting that, “[i]n cases where we can accommodate all pending applications and where there is sufficient remaining capacity to address additional requests that may arise, we have not looked to current financial ability as a prerequisite to a license grant.”²¹ The circumstances presented by the second Ka-band processing round are identical. There are or will be sufficient CONUS orbital slots to accommodate all pending Ka-band applicants.²² Accordingly, pursuant to the Commission's Ka-band processing policies, more than two CONUS slots may be assigned to the same applicant. Indeed, even Pegasus's own plan for resolving the second round would result in the award of more than two full-CONUS slots to Hughes and

¹⁹ See *Initial First-Round Order*.

²⁰ Comm, Inc. ultimately received orbital locations 75° W.L., 77° W.L., 87° W.L. and 91° W.L. *Id.* See *Final First-Round Order* at 3-4.

²¹ See *Comm Inc.*, DA 97-968, released May 9, 1997 at 5; *Loral Space & Communications Ltd.*, DA 97-974, released May 9, 1997 at 5.

²² Given current first-round Ka-band proceedings, it is likely that full-CONUS slots will be vacant even after all second-round slots have been assigned.

Lockheed Martin, without consideration of whether the provisions of Section 25.140(f) are satisfied.²³

Pegasus cites *STLC* for the proposition that KaStarCom should not be granted three full-CONUS orbital locations.²⁴ However, *STLC* is easily distinguished from the facts presented here and actually supports KaStarCom's position. In *STLC*, the Commission considered whether an incumbent *licensee* could modify its authorization to relocate its *authorized* orbital slot while a later processing round was pending. In those circumstances, the Commission decided that it should not grant an additional CONUS slot to the incumbent when a pool of new entrants had filed their applications and been cut-off in reliance on the availability of the CONUS slot sought by the incumbent. Here, KaStarCom, DirectCom and Pegasus are participants in the same processing round, and none has been granted an authorization. All of the second-round Ka-band applicants filed applications in reliance on the availability of vacant slots existing at the time of filing. Thus, until authorizations are granted in the second round, KaStarCom, DirectCom and Pegasus have identical rights to the available CONUS slots.²⁵

In short, DirectCom and Pegasus fail to demonstrate why the Commission's rules should be selectively enforced against KaStarCom. KaStarCom and other second round applicants filed their applications almost four years ago and have expended substantial resources prosecuting their applications. These applicants have appropriately relied on the Commission's policies of permitting applicants to freely change their initial orbital requests to resolve the processing round and to obtain multiple full-CONUS assignments in circumstances where there are sufficient

²³ See Attachment to Letter from John K. Hane to Donald Abelson, Chief, International Bureau dated March 26, 2001 at 5.

²⁴ *Satellite Transponder Leasing Corporation*, 3 FCC Rcd 6737, 65 RR2d 855 (1988) ("*STLC*"); Pegasus Petition at 5 n.17.

²⁵ Furthermore, *STLC* indicates that there are circumstances in which additional CONUS slots could be assigned to an incumbent. See *STLC*, 65 RR2d at 857.

orbital resources available to accommodate all of the participants. There is no justification for the Commission to waive certain of its processing rules for all of the second-round participants, but enforce Section 25.116 only with respect to KaStarCom.

II. Assignment Of The Orbital Locations Described In The KaStarCom Letter Would Serve The Public Interest.

If the Commission decides that the KaStarCom Letter does not fall within the stated exceptions to Section 25.116(c) rule such that a specific waiver of Section 25.116 is necessary to permit grant of KaStarCom's orbital preferences, grant of such a waiver would serve the public interest by decreasing congestion in the Ka-band arc, reducing conflicts among second round applicants and encouraging prompt construction and operation.²⁶ The Commission clearly has the authority to assign the orbital locations that it determines best serve the public interest.²⁷

As discussed above, KaStarCom's orbital location preferences will decrease the number of satellites launched into space by permitting KaStarCom to share satellite resources with WildBlue, increasing the number of orbital slots available to other applicants. KaStarCom's proposal will further promote the resolution of the second processing round by increasing the number of *unencumbered* orbital slots available to other applicants in the second round. By assignment of the orbital locations at 73° W.L. and 109.2° W.L. to it, KaStarCom will not deprive any applicant of these slots, because they are already encumbered by WildBlue's authorization for 500 MHz.

Placing both the 109.2° W.L. and 111° W.L. slots in the hands of the same licensee will also promote the public interest because these slots are short-spaced. In effect, the 111° W.L. slot requested by KaStarCom is encumbered not only because of Telesat's use of the orbital slot

²⁶ Pursuant to Section 1.3 of the FCC's Rules, the Commission may waive its rules for good cause shown, at the request of an applicant or on its own motion.

²⁷ See *Assignment of Orbital Locations to Space Stations in the Domestic Fixed Satellite Service*, 3 FCC Rcd 6972, 65 RR 2d 1028, 1029 (1988).

but also because of its short-spacing to 109.2° W.L. If KaStarCom is permitted to hold both of the 109.2° W.L. and 111° W.L. orbital slots, there will necessarily be less opportunity for interference to others caused by the short-spacing.

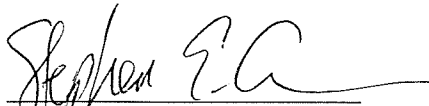
Finally, grant of KaStarCom's orbital location preferences will promote prompt use of spectrum. If the Commission were to heed DirectCom's and Pegasus's petitions and defer KaStarCom's orbital preferences to a third processing round, substantial Ka-band resources will lie fallow for a significant time. However, if the Commission acts promptly to re-affirm the long-standing policies DirectCom and Pegasus would have it overturn, construction of KaStarCom's facilities will be prompt and efficient because KaStarCom will benefit from WildBlue's current construction activities and projected launch schedule.

Conclusion

WHEREFORE, for the reasons discussed above, the Petitions to Deny filed by DirectCom and Pegasus should be dismissed or denied, and KaStarCom's application should be promptly granted with the orbital assignments listed in the KaStarCom Letter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Victor Onyeoziri, an assistant with the law firm of Rini, Coran & Lancellotta, P.C. hereby certify that a true and correct copy of the foregoing "Consolidated Opposition" was sent by first-class mail or hand delivery (*) this 13th day of July 2001, to the following:

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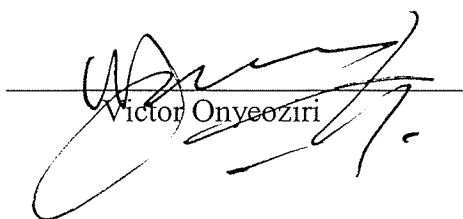
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