



Federal Communications Commission
Washington, D.C. 20554

July 2, 2003

VIA FACSIMILE AND U.S. MAIL

Robert D. Horvath, Jr.
Vice President and Corporate Counsel
ASTROLINK Holdings, LLC
6701 Democracy Boulevard
Suite 1000
Bethesda, MD 20817

SAT-LOA-19950929-00140-00144

Re: Astrolink International LLC. Files Nos. 182 through
186 SAT-P/LA-95 & SAT-MOD-19971222-00200.

Dear Mr. Horvath:

On January 31, 2001, the International Bureau (Bureau) modified Astrolink Holdings LLC's (Astrolink) license to launch and operate a satellite system in the geostationary-satellite orbit to provide fixed-satellite service in a portion of the Ka-band.¹ In the modification order, which authorized Astrolink to add inter-satellite links to its system, the Bureau also 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. The implementation milestones in Astrolink's authorization include the requirement to commence construction of its first satellite by January 2002 and its remaining satellites by January 2003.² In June 2002, the Bureau's Satellite Division granted Astrolink a waiver of its first construction milestone contingent upon Astrolink entering into a non-contingent contract for the construction of its first satellite by January 2003.³ Consequently, Astrolink is required to have commenced construction of all satellites in its proposed fleet by January 2003.

To satisfy the construction commencement milestone for satellite licenses, the Commission requires the execution of a non-contingent construction contract. 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.⁴

¹ Astrolink International LLC, Application for Authority to Construct, Launch, and Operate a Ka-band Satellite System in the Fixed-Satellite Service, *Order and Authorization*, 16 FCC Rcd 2421 (Int'l Bur. 2001). In May 2002, the International Bureau authorized the assignment of space station authorizations from Astrolink International LLC to Astrolink Holding LLC. Public Notice, DA 03-1764 (rel. May 22, 2003).

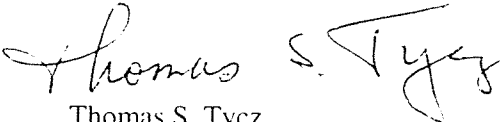
² Astrolink Order, 16 FCC Rcd at 2430; 25 C.F.R. § 25.145(f). Astrolink's initial authorization was to operate nine satellites at five orbital locations. In February 2003, Astrolink surrendered its authority to operate at the 21.5° W.L. and 175.25° E.L. orbital locations.

³ Astrolink International LLC, *Memorandum Opinion and Order*, 17 FCC Rcd 11267 (Int'l Bur., Sat. Div. 2002).

⁴ 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).

In order for the Commission to determine whether Astrolink is in compliance with the requirement to commence construction of all of its satellites by January 2003, please submit a copy of the contract(s) that satisfies this obligation. The submission must include a signed copy of the contract, the statement of work, and all technical exhibits. The documentation must verify that the construction of Astrolink's satellites has commenced and will be built within the time frame specified in Astrolink's license. If any standstill or stop work agreements relating to the contract have been executed, copies of these documents and any related correspondence must be submitted as well. This information must be filed with the Commission's Secretary by July 14, 2003, with a hand delivered courtesy copy to Alyssa Roberts of my staff. Failure to provide this information by this date shall render Astrolink's Ka-band license null and void. Please contact Alyssa Roberts at (202) 418-7276 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Thomas S. Tycz". The signature is written in black ink and is positioned to the left of the printed name.

Thomas S. Tycz
Chief
Satellite Division