

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

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APR 11 2001

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In the Matter of)

NetSat 28 Company, L.L.C.)

Application For Authorization to Construct,)
Launch and Operate a Ka-Band)
Communications Satellite System in the)
Fixed-Satellite Service in Orbital Location)
95° W.L.)

For Authority to Transfer Control)

Satellite Policy Branch
International Bureau

File No. 194-SAT-P/LA-95
New IBSF No. SAT-LOA-1995942-00150

File No. SAT-T/C-1990727

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY

NetSat 28 Company, L.L.C. ("NetSat 28"), by counsel, hereby responds to the Supplement to Opposition to Application for Review ("Supplement") submitted on March 26, 2001 by Pegasus Development Corporation.

In its Supplement, Pegasus pieces together a series of suppositions and innuendos to raise questions regarding the on-going operations of NetSat 28. NetSat 28 takes strong offense with Pegasus' allegations. NetSat 28 has been very explicit with the Commission regarding the NetSat 28 program and its relationships with vendors including EMS Technologies and continues to conduct its business fully in accordance with all FCC requirements.¹ Nevertheless, as the Commission is aware, in June 2000 the International Bureau declared the NetSat 28 license null and void.² Thus, at this time NetSat 28 currently is not a FCC licensee. This in and of itself demonstrates the absurdity of

¹ See *Application for Transfer of Control*, File No. SAT-T/C-19990727-0080, July 27, 2000; *Consolidated Opposition*, October 7, 1999; *Application for Review*, July 26, 2000, and *Emergency Motion for Stay*, August 12, 2000 all submitted to the Commission by NetSat 28.

² NetSat 28 Company, L.L.C. DA-1264, *Memorandum Opinion and Order* (rel. June 26, 2000).

S2204 SAT-LOA-19950929-00150
NetSat 28 Company, L.L.C.
NetSat KA

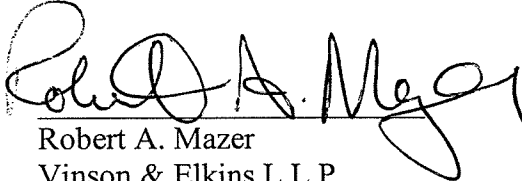
S2204 SAT-T/C-19990727-00080
NETSAT 28 COMPANY, L.L.C.

Pegasus' Supplement. Pegasus in essence wants to have it both ways. On one hand, Pegasus contends that today NetSat 28 must be held to a standard as if it were an FCC license. On the other hand, it is urging the Commission not to reinstate NetSat 28's Ka band license.

Just for the record, NetSat 28 wants to make it abundantly clear that it and its principals continue to control, operate and fund the Company's on-going operations including its FCC regulatory activities. At no time has this responsibility ever been ceded to any third party.³ If in the future the Commission were to reinstate its license, NetSat 28 and its principals would continue to operate the Company in a manner consistent with all FCC requirements.

Pegasus provides no facts to support its suppositions. Moreover, its suppositions fail to support its conclusions. The Supplement appears to be nothing more than a thin and desperate attempt by Pegasus to delay and confuse the Commission and should be rejected by the Commission.

Respectfully submitted,

By: 

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Dated: April 9, 2001

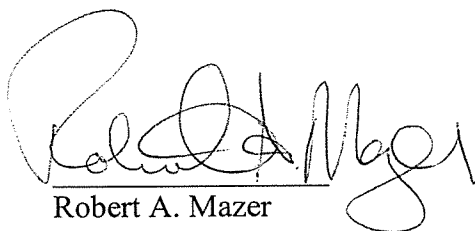
³ It should be noted that late last year, NetSat 28 moved its offices to Baltimore, MD and as previously reported to the Commission, NetSat 28 has contracted with EMS to undertake certain activities on its behalf.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of April 2001, a true and correct copy of the foregoing **NetSat 28 Reply to Supplement to Opposition to Application for Review** was served via first class mail upon the following:

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