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ORIGINAL

December 1, 2003

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Federal Communication Commission  
Bureau / Office

Mr. Thomas S. Tycz  
Chief, Satellite & Radiocommunication Division  
International Bureau  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: Application of Virtual Geosatellite LLC**  
**File No. SAT-LOA-19990108-00007**

Dear Tom:

I am writing to you on behalf of Virtual Geosatellite LLC ("Virtual Geo"), the applicant for the pending VIRGO NGSO KU-band satellite system referenced above. Pursuant to the discussion Amb. Gerald Helman and I had with you and your staff regarding VIRGO's pending ITU network filings, we have decided on the following course of action.

First, the United States will re-file Advance Publication information with the ITU for the VIRGO NGSO Ku-band system because it will not be "brought into use" within the seven-year period required under the current ITU regulations. Even if the VIRGO application were granted in this calendar year, it is impossible for the first satellite to be launched and the system brought into use within the time line of the ITU network designated as USAKU-H2. Virtual Geo therefore will prepare a set of ITU filings to perfect a new Advance Publication for the VIRGO system and will forward these to your office for transmittal to the ITU. Virtual Geo acknowledges that it is responsible for the payment of cost recovery fees associated with the ITU filings made by the United States on its behalf. Virtual Geo also acknowledges that the new filing will place the VIRGO system behind other NGSO Ku-band networks that may have been advanced published since USAKU-H2 network was advanced published in 1999. Virtual Geo is prepared to coordinate from the basis of its new filing and is confident that VIRGO's orbital architecture will allow successful coordination.

Second, Virtual Geo will not remit to the ITU CHF159,477.40 as invoiced on June 6, 2003 for the USAKU-H2 network. This amount is based on an accounting standard now discredited by the Council as not reflecting an accurate measure of the cost of processing satellite



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Geo understands that non-payment of the amount currently assessed by the ITU may result in the ITU's removing the present USAKU-H2 network from its list of advanced published networks.

Third, these actions will not affect the status or the processing of the pending VIRGO NGSO Ku-band application.

Please inform me of any concerns you may have with the course of action set out above.

Sincerely,

Raul Rodriguez  
Counsel to Virtual Geosatellite LLC

cc by email: Ms. Jennifer Gilson IB/FCC  
Mr. John Martin IB/FCC  
Mr. Robert Nelson IB/FCC  
Mr. Frank Williams CIP/U.S. Department of State