



Federal Communications Commission  
Washington, DC 20554

International Bureau

July 18, 2002

**VIA FACSIMILE AND U.S. MAIL**

Mr. R. Edward Price  
Vinson & Elkins, L.L.P.  
1455 Pennsylvania Avenue, NW  
Suite 600  
Washington, DC 20004-1008

Re: TMI Communications and Company, Limited Partnership, File Nos. 189-SAT-LOI-97, IBFS Nos. SAT-LOI-19970926-00161; SAT-AMD-20001103-00158.

Dear Mr. Price:

On July 17, 2001, the International Bureau ("Bureau") authorized TMI Communications and Company, Limited Partnership ("TMI") to provide mobile-satellite service to U.S. consumers from a Canadian-licensed satellite in the 2 GHz band.<sup>1</sup> In this Order, we assigned implementation milestones for the construction, launch, and operation of the satellite. The authorization provides that failure to meet any of the implementation milestones will render the satellite authorization null and void. TMI is also required to file a certification with the Commission within 10 days following each milestone.

To satisfy the first construction commencement milestone for 2 GHz MSS authorization, the Commission required the execution of a non-contingent construction contract by July 17, 2002.<sup>2</sup> 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.<sup>3</sup>

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

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<sup>1</sup> TMI Communications and Company, Limited Partnership, Letter of Intent to Provide Mobile-Satellite Service in the 2 GHz Bands, *Order and Authorization*, 16 FCC Rcd 13808 (Int'l Bur. 2001)(DA 01-1638).

<sup>2</sup> *Id.* at ¶ 23.

<sup>3</sup> 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).