

-----Original Message-----

From: Groot, Suzanne-de [<mailto:suzanne-de.groot@minbuza.nl>]  
Sent: Wednesday, July 27, 2011 11:09 AM  
To: Edward Lazarus  
Subject: RE: URGENT -- Netherlands Embassy request on Spectrum Five decision planned for today

Dear Mr. Lazarus,

Thank you for your swift reply. I will forward your message to the authorities in the Netherlands. If they have further questions or comments, I will let you and Mr. De La Torre know.

Best regards,  
Suzanne de Groot

-----Original Message-----

From: Edward Lazarus [<mailto:Edward.Lazarus@fcc.gov>]  
Sent: dinsdag 26 juli 2011 20:55  
To: Groot, Suzanne-de  
Subject: Re: URGENT -- Netherlands Embassy request on Spectrum Five decision planned for today

Dear Ms. De Groot:

I apologize for not getting back to you earlier today. I was tied up until now.

In response to your e-mail, I am providing information below which I hope you will find helpful in addressing the concerns you expressed. In the morning I will also forward copies of two decisions issued today and referenced below, including the Spectrum Five decision you reference in your incoming e-mail.

(I regret that I can't access them from my current location or I would attach them now).

At the outset, I want to assure you that there were no procedural irregularities in the Agency's decisional process. Spectrum Five had ample opportunity to make its case to the Commission as to why it did not meet its FCC satellite milestone obligations. As noted in paragraph 5 of the Order released today, Spectrum Five had multiple opportunities in 2009, 2010 and 2011 to make its case. In fact, as late as yesterday, Spectrum Five filed supplemental materials, which were considered in today's decision.

Based on Spectrum Five's failure to present a convincing case, its "tweener" authorization was declared null and void. This is in fact the normal procedure followed in such cases -- as is reflected in a separate Order also released today which declared the "tweener" authorization of EchoStar, a U.S. licensee, to be null and void for failure to meet its FCC satellite milestone obligations.

I note that in paragraph 15 of the Order we explain why it is inappropriate to consider the merits of international coordination positions of Administrations in domestic FCC licensing proceedings. International coordination rights and obligations are completely

independent of our domestic licensing procedures. This has been a consistent position of the Commission.

As is always the case in such decisions, Spectrum Five has the option of challenging the Bureau's decision by filing either a Petition for Reconsideration to the Bureau or an Application for Review to the full Commission.

If you have any further questions, or please contact me or Mindel De La Torre, chief of the International Bureau, at 202-418-0437.

Sincerely,

Edward Lazarus

----- Original Message -----

From: Groot, Suzanne-de <suzanne-de.groot@minbuza.nl>

To: Edward Lazarus

Sent: Tue Jul 26 12:18:19 2011

Subject: RE: URGENT -- Netherlands Embassy request on Spectrum Five decision planned for today

thanks

-----Original Message-----

From: Edward Lazarus [<mailto:Edward.Lazarus@fcc.gov>]

Sent: dinsdag 26 juli 2011 12:00

To: Groot, Suzanne-de

Subject: Re: URGENT -- Netherlands Embassy request on Spectrum Five decision planned for today

Back to you shortly.

----- Original Message -----

From: Groot, Suzanne-de <suzanne-de.groot@minbuza.nl>

To: Edward Lazarus

Cc: Johan Kroon <johan.kroon@agentschaptelecom.nl>; May, Douglas C <MayDC@state.gov>

Sent: Tue Jul 26 11:56:33 2011

Subject: URGENT -- Netherlands Embassy request on Spectrum Five decision planned for today

Dear Mr. Lazarus,

The Netherlands Embassy has been approached by David Wilson, CEO of Spectrum Five, a satellite operator under Dutch law.

We understand from Mr. Wilson that the FCC International Bureau intends to revoke their U.S. market authorization for their tweener at 114.5 WL today.

We understand from Mr. Wilson that such a revocation usually only takes place after a procedure in which the operator can object within a reasonable period of time, and that such a procedure has not been followed in this particular case.

As Notifying Administration we therefore kindly request you to postpone the abovementioned decision and inform us of the state of affairs and next steps in this particular case.

Many thanks in advance.

Best regards,

Suzanne de Groot  
First Secretary Economic Affairs

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