

**Denise Berger**

**From:** Keil J. Ritterpusch [kritterpusch@comspacelaw.com]  
**Sent:** Monday, October 31, 2005 1:37 PM  
**To:** IBSecretary  
**Cc:** Kathleen Campbell; Andrea Kelly; Cassandra Thomas; 'Bettina Eckerle'; 'Mark'  
**Subject:** Performance Bond Associated with File Number SAT-MOD-20040728-00151  
 To Whom It May Concern:

Please find attached hereto a copy of the bond required to be filed by DigitalGlobe as stipulated in the Commission's Order and Authorization, dated September 30, 2005, related to the modification of DigitalGlobe's NGSO remote sensing satellite system. See File No. SAT-MOD-20040728-00151.

If there should be any problem with processing the instant filing, please call me as soon as possible.

Cordially yours,  
 Pierson & Ritterpusch, LLP

Keil J. Ritterpusch

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**Keil J. Ritterpusch, Esq.**  
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NOV 08 2005

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Policy Branch  
International Bureau

October 31, 2005

RECEIVED & INSPECTED

OCT 31 2005

FCC - MAILROOM

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

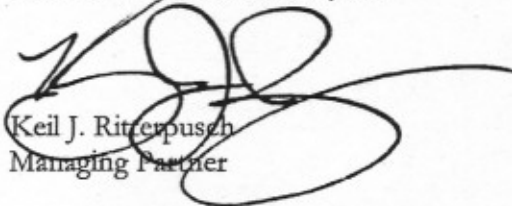
**RE: Performance Bond for Modification of DigitalGlobe's NGSO Remote Sensing Satellite System; Call Sign S2129; File Number SAT-MOD-20040728-00151**

Dear Ms. Dortch:

DigitalGlobe, Inc. ("DigitalGlobe") has complied with the performance bond requirements of the Commission's authorization to modify its non-geostationary ("NGSO") remote sensing satellite system. See File Number SAT-MOD-20040728-00151, Order and Authorization, dated September 30, 2005, at Paragraph 31. A copy of the performance bond is attached.

If you should have any questions or comments regarding this matter, please contact me by either phone or e-mail.

Cordially yours,  
PIERSON & RITTERPUSCH, LLP

  
Keil J. Ritterpusch  
Managing Partner

Enclosure

cc: Ms. Cassandra Thomas  
Ms. Andrea Kelly  
Ms. Kathleen Campbell

Federal COMMUNICATIONS COMMISSION  
Earth Exploration Satellite Service (EESS), non-geostationary orbit (NGSO) satellite system License Payment  
Bond

KNOW ALL PERSONS BY THESE PRESENTS, that DIGITALGLOBE, INC. (hereinafter called the Principal), and Travelers Casualty and Surety Company of America, a corporation of the state of Connecticut (hereinafter called the Surety), are held and firmly bound unto the United States Treasury (hereinafter called the Obligee), in the maximum penal sum of Five Million U.S. Dollars (\$5,000,000) to the payment of which sum, well and truly be made, the Principal and Surety bind themselves, and each of their heirs, administrators, executors and assigns, jointly and severally, firmly by these presents. Regardless of the number of years this bond may be in force, the aggregate liability of the Surety payable under this bond shall not be cumulative and is limited to the stated maximum penal sum.

WHEREAS, the Principal's application to launch and operate the Earth Exploration Satellite Service non-geostationary orbit satellite system ("Satellite System"), has been granted by the Federal Communications Commission ("FCC") and the Principal is authorized to launch and operate such satellite in the 8025-8400 MHz frequency band in accordance with the terms and conditions set forth in its FCC authorization which authorization is hereby referred to and made a part of hereof.

WHEREAS, in accordance with the conditions of the Satellite System authorization granted by the FCC, the Principal must file a payment bond with the FCC within 30 days of the application being granted.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the Principal shall well and truly perform the obligations in said authorization at the time and in the manner specified during the term of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, That this bond is subject to the following conditions:

1. Satellite System must be constructed and launched in accordance with the authorization by the following specified time milestones.
  - a. Enter into a binding non-contingent contract to construct the licensed satellite system by October 2, 2006.
  - b. Complete the Critical Design Review of the licensed satellite system by September October 1, 2007.
  - c. Begin the construction of the first satellite by March 30, 2008.
  - d. Launch and begin operations of the first satellite by March 30, 2009.
  - e. Bring all the satellites in the licensed satellite system into operation by September 30, 2011.
2. Upon completion of each milestone, confirmation of which will be filed with the FCC by Principal, and issuance of a Public Notice by the FCC confirming same, the maximum penal sum of the bond shall be reduced by 20% (\$1,000,000) via rider to this bond sent to the FCC and the Obligee.
3. In the event of a Notice of Default (i.e. an order or public notice revoking Principal's authorization) issued by the FCC to the Principal and the Surety regarding the performance of the milestones specified above during the term of this bond, the Surety shall be liable only up to the current outstanding maximum penal sum amount after giving effect to applicable milestone reductions. It is also understood and unconditionally agreed that upon receipt of such Notice of Default, the sole remedy under this bond will be the tender of payment of the current outstanding maximum penal sum of the



## **IMPORTANT DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE**

On November 26, 2002, President Bush signed into law the Terrorism Risk Insurance Act of 2002 (the "Act"). The Act establishes a short-term program under which the Federal Government will share in the payment of covered losses caused by certain acts of international terrorism. We are providing you with this notice to inform you of the key features of the Act, and to let you know what effect, if any, the Act will have on your premium.

Under the Act, insurers are required to provide coverage for certain losses caused by international acts of terrorism as defined in the Act. The Act further provides that the Federal Government will pay a share of such losses. Specifically, the Federal Government will pay 90% of the amount of covered losses caused by certain acts of terrorism which is in excess of Travelers' statutorily established deductible for that year. The Act also caps the amount of terrorism-related losses for which the Federal Government or an insurer can be responsible at \$100,000,000,000.00, provided that the insurer has met its deductible.

Please note that passage of the Act does not result in any change in coverage under the attached policy or bond (or the policy or bond being quoted). Please also note that no separate additional premium charge has been made for the terrorism coverage required by the Act. The premium charge that is allocable to such coverage is inseparable from and imbedded in your overall premium, and is no more than one percent of your premium.

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be signed by their Senior Vice President and their corporate seals to be hereto affixed this 3rd day of August, 2005.


STATE OF CONNECTICUT

)SS. Hartford

COUNTY OF HARTFORD

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
TRAVELERS CASUALTY AND SURETY COMPANY  
FARMINGTON CASUALTY COMPANY



By   
George W. Thompson  
Senior Vice President

On this 3rd day of August, 2005 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.



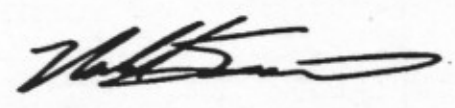
Marie C Tetreault  
My commission expires June 30, 2006 Notary Public  
Marie C. Tetreault

CERTIFICATE

I, the undersigned, Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 28<sup>th</sup> day of October, 2005



By   
Nicholas Seminara  
Senior Vice President

STATE OF COLORADO  
COUNTY OF BOULDER

On this 28<sup>th</sup> day of October, 2005 before me, the undersigned, a Notary Public in and for said county, personally appeared Colleen N. Hopwood who is to me well know, who being duly sworn, did depose and say that he/she resides in Colorado that she is Attorney-in-Fact of Travelers Casualty and Surety Company of America, a corporation, the corporation described in and who executed the within instrument as surety. That he/she knows the seal of said corporation; that he/she seal affixed to said instrument is such corporate seal; that it was thereto affixed by order to the Board of Directors of said corporation, and that he signed his name thereto by like order.

Subscribed and sworn to before me this 28th day of October, 2005.

Mary Athanites  
Notary  
Commission Expires: 2-8-09



**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
TRAVELERS CASUALTY AND SURETY COMPANY  
FARMINGTON CASUALTY COMPANY  
Hartford, Connecticut 06183-9062**

**POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT**

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: Richard C. Schultz, P. J. McKinnis, Lisa D. Selby, Mary Athanites, Mary E. Davis, Kristen C. Fox, Chris E. Case, Rebecca L. Braun, Cathy J. Robinson, Joanne Barney, Arin Kamoltrakul, Sheri Schenk, Colleen N. Hopwood, William M. Brownlee, Justin Myrick, Wendy Duncan, Michael Pitz, Marva L. Jackson, Ronald L. Bauer, Ann Coriano, Kevin L. Baird, Peter Romanovsky, Mary Bescher, Melissa S. Engbarth, Brent A. Eggers, Susan M. Wagers, Kelly A. Hayes, of Greenwood Village, Colorado, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the Chairman, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

bond (taking into account subsequent riders to the maximum penal sum of the bond described above) within thirty (30) business days of such Notice of Default.

Any such Notice of Default made under this Bond shall be made in writing and shall be given a personal delivery or expedited delivery service, postage pre-paid, addressed to the parties at the addresses specified below:

To the Surety:

Travelers Casualty and Surety Company of America  
6060 S. Willow Drive  
Greenwood Village, CO 80111

To the Principal:

DigitalGlobe, Inc  
1601 Dry Creek Drive  
Longmont, CO 80503

With a required copy to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Oblige named herein or the heirs, executors, administrators or successors of the Oblige.
5. If any conflict or inconsistency exists between the Surety's obligations or undertakings as described in this bond and as described in other documents, statutes or regulations, then the terms of this bond shall prevail.

This bond shall be effective 28th day of October 2005 and shall cease at such time as the FCC confirms that the Principal has satisfied all of the milestones set forth in paragraph 1.

Signed and sealed this 28th day of October, 2005

Principal: DigitalGlobe, Inc.

Jelena [Signature]

By:  
Title:

[Signature]  
Witness

Surety: Travelers Casualty and  
Surety Company of America

Colleen N. Hopwood

By: Colleen N. Hopwood  
Title: Attorney-in-Fact

[Signature]  
Witness