



International Bureau

Federal Communications Commission
Washington, DC 20554

October 06, 2004

Mr. Robert Mazer
Counsel for NetSat 28 Company, L.L.C.
c/o Vinson & Elkins
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-1008

RE: NetSat 28 Company, L.L.C., Application for Review, File No. SAT-T/C-1990727-0080; FOIA Request No. 21-207.

Dear Mr. Mazer:

This letter is in reference to the Application for Review filed on July 13, 2001 by NetSat 28 Company, L.L.C. (NetSat 28) of the decision of the International Bureau to deny confidential treatment of certain information provided to the Commission as part of the transfer of control of NetSat 28 to EMS Technologies, Inc. (EMS).¹ Due to subsequent events, including Pegasus Development Corp.'s withdrawal of its request for access to the information pursuant to the Freedom of Information Act (FOIA)² and the conclusion of the underlying transfer of control proceeding for which the information was sought,³ we find that it is no longer necessary to rule on the Application for Review. Accordingly, we dismiss the Application for Review as moot. Since there is no longer a request to access the information, we will not at this time make public the information not already released

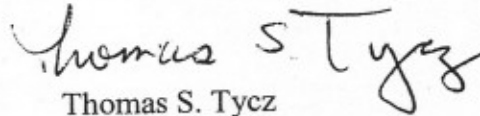
¹ VisionStar, Inc., Application for Transfer of Control, File No. SAT-T/C-19990727-0080, filed July 27, 1999, 2000.

² Electronic mail message from Tony Lin, Esq. to Laurence Schecker, Office of General Counsel (Jan. 12, 2004).

³ NetSat 28 Company, L.L.C., *Memorandum Opinion and Order*, 16 FCC Rcd 14471 (Int'l Bur. 2001). Pegasus has withdrawn its petitions for reconsideration of this Order. See Pegasus Development Corp., Notice of Withdrawal, File No. SAT-T/C-19990727-0080, filed July 11, 2003. The Bureau recently cancelled NetSat 28's Ka-band authorization, which was the subject of the transfer of control application, for failure to comply with the milestone conditions of the authorization. See NetSat 28 Company, L.L.C., *Memorandum Opinion and Order*, DA 04-2882 (Int'l Bur. rel. Sept. 9, 2004).

by NetSat 28. We will treat it in the same manner as all information for which confidentiality is requested pursuant to the Commission's regulations, 47 C.F.R. § 0.459.

Sincerely,

Handwritten signature of Thomas S. Tycz in cursive script.

Thomas S. Tycz
Chief
Satellite Division

cc: Bruce D. Jacobs
Tony Lin
Shaw Pittman
2300 N Street, N.W.
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