



Radiocommunication Bureau
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Circular Letter
CR/245

27 October 2005

To Administrations of Member States of the ITU

Subject: Administrative arrangements for the implementation of cost recovery for satellite network filings in accordance with Decision 482 (modified, 2005)

Reference: BR Circular Letter CR/225 of 2 December 2004.

To the Director General

Dear Sir/Madam

1. Council at its 2005 session approved modifications to Decision 482 for the implementation of cost recovery for satellite network filings. The purpose of this Circular Letter is to provide details of the revised arrangements.

2. Cost recovery charges shall apply to satellite network filings received by the Radiocommunication Bureau on or after 8 November 1998 for the production of the special sections of the Bureau's International Frequency Information Circular BR IFIC (Space Services) in the following cases:

- Advance publication of information (API) of satellite networks or satellite systems not subject to coordination procedure under Article 9 of the Radio Regulations (RR);
- Request for coordination or agreement of satellite networks or satellite systems subject to coordination procedure under Article 9 of the RR, Article 7 of Appendices 30/30A to the RR, Resolution 539 (Rev.WRC-03);
- The use of the guardbands under Article 2A to Appendices 30/30A to the RR;
- Requests for modification of the space service plans and lists under Article 4 of Appendices 30 and 30A to the RR and requests for the implementation of the fixed-satellite service plan under Sections IB and II of Article 6 of Appendix 30B to the RR.

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3. Cost recovery charges shall also apply to satellite network filings received by the Radiocommunication Bureau on or after 1 January 2006 for the production of the special sections or Parts I-S, II-S and III-S of the Bureau's International Frequency Information Circular BR IFIC (Space Services) in the following cases:

- Notification for recording of frequency assignments in the Master International Frequency Register under Article 11 of the RR, Article 5 of Appendices 30/30A to the RR and Article 8 of Appendix 30B to the RR;
- Requests for the implementation of the fixed-satellite service plan under Section IA and requests for application of Section III of Article 6 of Appendix 30B to the RR,

if, and only if, they refer to advance publication or modification of the space service plans or lists (Part A) or requests for the implementation of the fixed-satellite service plan, as appropriate, received on or after 19 October 2002.

4. Decision 482 (modified, 2005) will enter into force on 1 January 2006 (**Attachment 1**). Information on the implementation of the provisions of this Decision by the Radiocommunication Bureau is provided in **Attachment 2**.

5. The contact person in the Radiocommunication Bureau is Mr. Hasan Köker, telephone: +41 22 7305540, e-mail: brmail@itu.int.

Yours faithfully,

Valery Timofeev
Director, Radiocommunication Bureau

Attachments: 2

Distribution:

- Secretary-General and Deputy Secretary-General
- Administrations of Member States of the ITU
- Members of the Radio Regulations Board
- Chairmen and Vice-Chairmen of Radiocommunication Study Groups and the Special Committee on Regulatory Procedural Matters

ATTACHMENT 1

DECISION 482 (modified 2005) (adopted at the ninth plenary meeting)

Implementation of cost recovery for satellite network filings

The Council,

considering

- a) Resolution 88 (Rev.Marrakesh, 2002) of the Plenipotentiary Conference, on the implementation of cost recovery for satellite network filings;
- b) Resolution 91 (Minneapolis, 1998) of the Plenipotentiary Conference, on cost recovery for some products and services of ITU;
- c) Council Resolution 1113, on cost recovery for the processing by the Radiocommunication Bureau of space notifications;
- d) Document C99/68 reporting on the Council Working Group on implementation of cost recovery for satellite network filings;
- e) Document C99/47 on cost recovery for some ITU products and services;
- ebis*) Document C05/29 on cost recovery for the processing of satellite network filings;
- f) that WRC-03 adopted provisions referring to Council Decision 482, as amended, under which a satellite network filing is cancelled if payment is not received in accordance with the provisions of this decision;
- g) that the date of entry into force of Decision 482 (modified 2004) was 31 December 2004,

recognizing

- a) that Resolution 88 (Rev.Marrakesh, 2002) resolved:
 - that cost recovery for satellite network filings shall be implemented as soon as possible consistent with the general principles for cost recovery adopted in Resolution 91 (Minneapolis, 1998), in particular *resolves* 4 and the need to ensure that no more than the actual costs of providing products and services are recovered;
 - that all filings in accordance with Council Decision 482, as modified, for the production of the special sections of the BR IFIC for space radiocommunication services concerning advance publication, and their associated requests for coordination or agreement (former Articles 11 and 14 plus Resolution 33 (Rev.WRC-97) and former Resolution 46 (WRC-97), or Article 9 of the Radio Regulations)* and requests for modification of the space service

* Note: At WRC-03, Resolution 33 was modified and Resolution 46 was abrogated.

plans and lists contained in Appendices 30/S30, 30A/S30A and 30B/S30B to the Radio Regulations, received by BR after 7 November 1998, shall be subject to the application of cost recovery;

b) that Resolution 88 (Rev.Marrakesh, 2002) further resolved to instruct the Council to establish a group in order to make recommendations to the 2003 session of the Council on the extension of the implementation of processing charges for satellite filings not already covered in its *resolves 2*,

further recognizing

the practical experience of the Radiocommunication Bureau in implementing cost-recovery filing charges and the methodology as reported to the Council at its 2001, 2002, 2003, 2004 and 2005 sessions in accordance with Decision 482 as revised by the Council,

decides

1 that all satellite network filings concerning advance publication, their associated requests for coordination or agreement (Article 9 of the Radio Regulations (RR), Article 7 of Appendices 30/30A to the RR, Resolution 539 (Rev.WRC-03)), the use of the guardbands (Article 2A to Appendices 30/30A to the RR), requests for modification of the space service plans and lists (Article 4 of Appendices 30 and 30A to the RR) and requests for the implementation of the fixed-satellite service plan (Sections IB and II of Article 6 of Appendix 30B to the RR), shall be subject to cost-recovery charges if, and only if, they have been received by the Radiocommunication Bureau on or after 8 November 1998;

1bis that all satellite network filings concerning notification for recording of frequency assignments in the Master International Frequency Register (Article 11 of the RR, Article 5 of Appendices 30/30A to the RR and Article 8 of Appendix 30B to the RR) received by the Radiocommunication Bureau on or after 1 January 2006 shall be subject to cost-recovery charges if, and only if, they refer to advance publication or modification of the space service plans or lists (Part A) or requests for the implementation of the fixed-satellite service plan, as appropriate, received on or after 19 October 2002;

1ter that all requests for the implementation of the fixed-satellite service plan (Sections IA and III of Article 6 of Appendix 30B to the RR) shall be subject to cost-recovery charges if, and only if, they have been received by the Radiocommunication Bureau on or after 1 January 2006;

2 that for each satellite network¹ filing communicated to the Radiocommunication Bureau, the following charges² shall apply:

a) for filings received up to and including 29 June 2001, Decision 482 (C-99) applies; these filings are charged at publication in accordance with the fee schedule in force at the date of publication;

¹ In this decision, the term "satellite network" refers to any space system in accordance with No. 1.110 of the Radio Regulations.

² The fee per "unit" (see Annex) shall not be understood as a tax imposed on spectrum users. It is used here as a driver for the calculation of cost recovery relating to publication of satellite systems.

- b) for filings received on or after 30 June 2001, but before 1 January 2002, Decision 482 (C0-1) applies; these filings are charged at publication with a flat fee in accordance with the fee schedule in force at the date of receipt, and an additional fee (if any) according to the fee schedule in force at the date of publication;
- c) for filings received on or after 1 January 2002, but before 4 May 2002, Decision 482 (C-01) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of publication, is payable after publication of the notice;
- d) for filings received on or after 4 May 2002, but before 31 December 2004, Decision 482 (C-02) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of receipt, is payable after publication of the notice;
- e) for filings received on or after 31 December 2004 but before 1 January 2006, Decision 482 (C-04) applies; the flat fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice, and the additional fee (if any), calculated in accordance with the fee schedule in force at the date of receipt, is payable after publication of the notice;
- f) for filings received on or after 1 January 2006, Decision 482 (C-05) applies; the fee, calculated in accordance with the fee schedule in force at the date of receipt, is payable after receipt of the notice;

3 that the fee shall be regarded as a charge for a satellite network filing. There will be no charge for modifications which do not result in further technical or regulatory examination by the Radiocommunication Bureau including but not limited to the name of the satellite/earth station and its associated satellite name, name of the beam, responsible administration, operating agency, date of bringing into use, period of validity, associated satellite (and beam) or earth station name, extension of the service area of a subregional system in Appendix 30B without additional testpoint;

4 that each Member State shall be entitled to the publication of special sections or parts of the BR IFIC (space services) for one satellite network filing each year without the charges referred to above. Each Member State in its role as the notifying administration may determine which network shall benefit from the free entitlement;

5 that the nomination of the free entitlement for the calendar year of receipt by the Bureau of the satellite network filing based on the formal date of receipt of the filing shall be made by the Member State no later than the end of the period for payment of the invoice in *decides* 9 below. The free entitlement cannot be applied to a filing previously cancelled for non-payment;

6 that for any satellite network for which the advance publication information (API) was received prior to 8 November 1998, there will be no cost-recovery charges for the first coordination request referring to that API, regardless of when the Radiocommunication Bureau receives it. Any modifications received on or after 1 January 2006 shall be subject to a charge in accordance with *decides* 2 above;

7 that there will be no cost-recovery charges for any Part A submission involving the application of Article 4 of Appendices 30/30A received by the Bureau prior to 8 November 1998 or Part B submission involving the application of Article 4 of Appendices 30/30A where the associated Part A was received prior to 8 November 1998. Any request for publication in Part A received after 7 November 1998 under §4.3.5 up to 2 June 2000 and then §4.1.3 or §4.2.6 of Appendices 30/30A and corresponding Part B submitted under §4.3.14 up to 2 June 2000 and

then §4.1.12 or §4.2.16 of Appendices 30/30A shall be subject to a charge in accordance with *decides 2* above;

8 that the Annex (Schedule of processing charges) to this decision should be reviewed periodically by the Council;

9 that the payment of charges shall be made on the basis of an invoice issued upon receipt of the filing by the Radiocommunication Bureau and sent to the notifying administration or, at the request of that administration, to the satellite network operator in question within a period of a maximum of six months after issue of the invoice;

10 that any subsequent cancellation received by the Radiocommunication Bureau within 15 days of the date of receipt of the filing shall remove the obligation to pay the fee;

11 that publication of special sections for the amateur-satellite service, the notification for recording of frequency assignments for earth stations, for the conversion of an allotment into an assignment in accordance with the procedure of Section I of Article 6 of Appendix **30B** and the addition of a new allotment to the plan for a new Member State of the Union in accordance with the procedure of Article 7 of Appendix **30B** shall be exempt from any charges;

12 that the date of entry into force of Decision 482 (modified 2005) will be 1 January 2006;

13 that the provisions of this decision need to be revised when further data from time recording are available,

recommends

that should Council-06 revise the schedule in the Annex, any credits that may arise should be applied by the Bureau to subsequent invoices as requested by administrations,

encourages Member States

to develop domestic policies that will minimize the occurrence of non-payment and consequential revenue loss to ITU,

instructs the Director of the Radiocommunication Bureau

1 to enhance the Radiocommunication Bureau's electronic notice form software (SpaceCap) in order to enable the calculation of the best estimated charges associated with a satellite network filing of any type prior to its submission to ITU;

2 to submit an annual report to the Council on the implementation of this decision, including analyses of:

- a) the cost of the different steps of the procedures;
- b) the impact of the electronic submission of information;
- c) enhancement in quality of service, including, among others, reduction of the backlog;
- d) the costs of validating filings and requesting corrective action thereto; and
- e) difficulties encountered in applying the provisions of this decision;

3 to inform the Member States of any practice used by the Radiocommunication Bureau to implement the provisions of this decision and the rationale for that practice,

invites the External Auditor

to prepare, in accordance with Article 31 of the Financial Regulations, and to submit to the Council a biennial report containing a financial and management audit of the processing costs incurred by ITU for satellite network filings and the charges collected.

ANNEX

Schedule of processing charges to be applied to satellite network filings received by the Radiocommunication Bureau on or after 1 January 2006

Type		Category	Flat fee per filing (in CHF) (≥ 100 units, if applicable)	Start fee per filing (in CHF) (< 100 units)	Fee per unit (in CHF) (< 100 units)	Cost-recovery unit
1	Advance publication (A)	A1 Advance publication of a non-geostationary-satellite network not subject to coordination under Sub-Section IA of Article 9 ; Advance publication of inter-satellite links of a geostationary-satellite space station communicating with a non-geostationary space station provisionally not subject to coordination in accordance with the Rule of Procedure on No. 11.32 , § 6 (MOD RRB04/35). Note: Advance publication also includes the application of No. 9.5 (API/B special section) and will not be separately charged.	570		Not applicable	
2	Coordination (C)	C1* Coordination request for a satellite network in accordance with No. 9.6 along with one or more of Nos. 9.7 , 9.7A , 9.7B , 9.11 , 9.11A , 9.12 , 9.12A , 9.13 , 9.14 and 9.21 of Section II of Article 9 , § 7.1 of Article 7 of Appendix 30 , § 7.1 of Article 7 of Appendix 30A , Resolution 33 (Rev.WRC-03) and Resolution 539 (Rev.WRC-03).	20 560	5 560	150	Product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups
		C2* Note: Coordination also includes the application of Sub-Section IB of Article 9, Nos. 9.5D , 9.53A (CR/D special section) and 9.41/9.42 and will not be separately charged.	24 620	9 620		
		C3* Note: Coordination also includes the application of Sub-Section IB of Article 9, Nos. 9.5D , 9.53A (CR/D special section) and 9.41/9.42 and will not be separately charged.	33 467	18 467		
3	Notification (N) ^{a)}	N1* Notification for recording in the MIFR of frequency assignments to a satellite network subject to coordination under Section II of Article 9 (with the exception of non-geostationary-satellite network subject to No. 9.21 only).	30 910	15 910	150	Product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups
		N2* Note: Notification also includes the application of Resolutions 4 and 49 , Nos. 11.32A (see footnote a), 11.41 , 11.47 , 11.49 , Sub-section IID of Article 9 , Sections 1 and 2 of Article 13 , Article 14 and will not be separately charged.	57 920	42 920		
		N3* Note: Notification also includes the application of Resolutions 4 and 49 , Nos. 11.32A (see footnote a), 11.41 , 11.47 , 11.49 , Sub-section IID of Article 9 , Sections 1 and 2 of Article 13 , Article 14 and will not be separately charged.	57 920	42 920		
		N4 Notification for recording in the MIFR of frequency assignments to a non-geostationary-satellite network not subject to coordination under Section II of Article 9 , or subject to No. 9.21 only.	7 030		Not applicable	
4	Plans (P)	P1 Part A Special Section for a proposed new or modified assignment in the Regions 1 and 3 List or feeder-link Lists of additional uses under § 4.1.5 or proposed modification to the Region 2 Plans under § 4.2.8 of Appendices 30 or 30A ; or Part B Special Section for a proposed new or modified assignment in the Regions 1 and 3 List or feeder-link Lists of additional uses under § 4.1.15 (except Part B special section related to the application of Resolution 548 (WRC-03)) or proposed modification to the Region 2 Plans under 4.2.19 of Appendices 30 or 30A ^{b)} .	28 870		150	Product of the number of frequency assignments, number of classes of station and the number of emissions, summed up for all frequency assignment groups
		P2 Notification for recording in the MIFR of frequency assignments to space stations in the broadcasting-satellite service and its associated feeder-link in Regions 1 and 3 or Region 2 under Article 5 of Appendices 30 or 30A ^{b)} .	11 550			
		P3 Coordination request in accordance with Article 2A of Appendices 30 and 30A .	12 000			
		P4 Publication associated with the conversion of an allotment into an assignment in accordance with the procedure of Section IA of Article 6 of Appendix 30B , or the recording of the list of existing systems in Part B of the Plan in accordance with the procedure of Section IB of Article 6 of Appendix 30B , or the introduction of subregional systems in accordance with the procedure of Section II of Article 6 of Appendix 30B , or the supplementary provisions applicable to additional uses in accordance with the procedure of Section III of Article 6 of Appendix 30B .	40 560			
		P5 Notification for recording in the MIFR of frequency assignments to space stations in the fixed satellite service under Article 8 of Appendix 30B .	32 450			

a) Fees for Categories N1, N2 and N3 are applicable to the first notification of assignments that also contains a request to apply No. **11.32A**. If the application of No. **11.32A** is not requested, 70% of the indicated fees will apply, with the remaining 30% to be charged to a subsequent request, if any, for application of No. **11.32A**.

b) Under this category, taking account that a filing for the broadcasting-satellite service and its associated feeder link in Region 2 includes both the downlink (AP30) and the feeder link (AP30A), which are examined and published together, the total fee application to such filing shall be twice the fee indicated in the column Flat fee per filing.

*** Definition of category for coordination (C) and notification (N)**

The category for coordination (C1, C2, C3) and for notification (N1, N2, N3) is related to the number of forms of coordination applicable to a particular satellite network coordination request or notification submission, as follows:

- C1 and N1 correspond to a satellite network filing referring to only one cost-recovery form of coordination (A, B, C, D, E or F). Both categories also include cases for which no form of coordination applies as a result of unfavourable finding under No. 11.31 of the Radio Regulations for all frequency assignments of the submitted filing, or cases including frequency assignments published for information only.
- C2 and N2 correspond to a satellite network filing referring to any two or three cost-recovery forms of coordination amongst A, B, C, D, E or F.
- C3 and N3 correspond to a satellite network filing referring to any four or more cost-recovery forms of coordination amongst A, B, C, D, E or F.

Cost-recovery form of coordination	Individual Radio Regulations forms of coordination
A	No. 9.7, RS33.3
B	AP30 7.1, AP30A 7.1
C	No. 9.11, RS33 2.1, RS539
D	Nos 9.7B, 9.11A, 9.12, 9.12A, 9.13, 9.14
E	No. 9.7A ¹
F	No. 9.21

¹ Cost recovery for category C1 only. See also *decides* 11.

ATTACHMENT 2

1 Date of Receipt and Receivability

The fee schedule to be applied is based on the formal date of receipt of the filing as defined in section 3 (establishment of a formal date receipt) of the Rules of Procedure concerning receivability.

If the coordination information of a satellite network is communicated to the Bureau at the same time as the Advance Publication Information (e.g. on 1.11.2005), the coordination information shall be considered as having been received not earlier than six months after the date of receipt of the API in accordance with No. 9.1 of the RR, in the example case on 1.05.2006, and the fee schedule in force on 1.05.2006 shall apply. Similarly, where coordination is not required by Section II of Article 9, if the notification information is communicated to the Bureau at the same time as the Advance Publication Information (e.g. on 1.11.2005), the notification information shall be considered as having been received by the Bureau not earlier than six months after the date of publication of the Advance Publication Information, in the example case, taken an additional period of one month for publication of the API, by May/June 2006, and the fee schedule in force at that period shall apply.

Invoices will be issued only for notices found to be receivable according to the Rules of Procedure concerning receivability.

2 Category and units

The category of a filing and the associated flat fee or start fee, and units if applicable, to be charged will be established following the receipt of the filing. In case of coordination and notification filings, the category and fees may be revised at the time of publication when the detailed regulatory examination would have been performed. If, for example, the examination leads to unfavourable findings, the category may become lower than the category assessed at the time of receipt. Likewise, the first estimation of the number of units performed at the receipt of the filing may be revised. If these result in an increase of fees, an additional cost recovery invoice will be issued. If these results in a decrease of fees, a credit note will be issued.

The category for coordination and for notification filings depends on the number and type of individual Radio Regulations forms of coordination applicable to the filing. For cost recovery purposes, they are grouped in cost recovery forms of coordination (A to F), as described in the table on the last page of Decision 482 (modified 2005). The number of these cost recovery forms of coordination applicable to the filing defines the final fee category (C1, C2, C3 and N1, N2, N3). As an example, for a coordination filing of a geostationary satellite network with frequency assignments in the bands 3400-3700 MHz and 6425-6725 MHz, for which only No. 9.7 applies, there would be only one applicable cost recovery form of coordination (A) and therefore the fee category would be C1. If frequency assignments in the bands 12.2-12.5 GHz and 13.75-14.5 GHz are added, No. 9.7 and AP30 7.1 would apply, invoking two cost recovery forms of coordination (A and B), which means fee category C2. With additional frequency assignments in the band 1452-1492 MHz, forms of coordination No. 9.7, AP30 7.1 and No. 9.11 would be applicable, involving three cost recovery forms of coordination (A, B and C), and the category would remain C2. For a notification filing of a non-geostationary satellite network with frequency assignments in the bands 1970-2025 MHz and 2160-2200 MHz, Nos. 9.12, 9.12A and 9.14 would apply, involving one cost recovery form of coordination (D) and therefore the fee category would be N1.

3 Charging for Notification

The reference to Advance Publication Information (API) received by the Bureau on or after 19 October 2002 in *decides 1bis* refers to new API submitted under No. 9.1 of the RR or to amendments under No. 9.2 of the RR to API, originally received before 19 October 2002, which include additional frequency bands not covered in the original API or a modification of the orbital location by more than $\pm 6^\circ$ for a space station using the geostationary-satellite orbit.

In the case of a notification submission of assignments in several frequency ranges for which the API filings were received for some frequency ranges before 19 October 2002 and for others after 18 October 2002, the notification charges shall apply only to assignments in the frequency ranges covered by the API received after 18 October 2002.

Notification fees are applicable to the first notification of assignments. Therefore, for a satellite network for which the first notification information is submitted to the Bureau in more than one filing at different dates, each notification filing will be subject to a notification charge. Vice versa, a single notification filing, containing assignments in frequency ranges published in several API special sections at different dates, will be counted as one filing, irrespective of the number and dates of API publications.

If an administration requests under No. 11.43A the application of Section II of Article 9, such request shall be charged according to the schedule of processing charges applicable to coordination. Notification for recording these assignments will be charged according to the schedule of processing charges applicable to notification.

Resubmissions of a notice under No. 11.46, which is received more than six months after the date on which the original notice was returned by the Bureau, is a new notice and will be charged accordingly.

4 SpaceCap Software

The Bureau is working on a modification to the SpaceCap software that will allow users to calculate the best-estimated costs associated with a satellite network filing before submitting it to the ITU. Administrations will be informed of the release of the software in a forthcoming BR IFIC. (See also § 2 above)

5 Payment conditions

Processing charges are normally invoiced within one month after the formal date of receipt of the filing (See also § 1 above) or publication of the notice, as appropriate.

The invoice is sent from the ITU Finance Department to the notifying administration (payer) or, if the administration so wishes to the satellite network operator (with a copy for the notifying Administration). The request must be made to the Bureau before filing, otherwise the invoice will be sent to the Administration. While the ITU can subsequently re-issue an invoice to the operator, the original invoice date cannot be changed.

In the event that only part of the cost recovery fee has been received by the ITU, but the complete payment has not been received by the due date of payment, the filing will be cancelled by the Bureau in application of the relevant RR procedures.

Processing charges are established in Swiss francs, which is the ITU account currency.

Payment can be made in Swiss francs, by bank transfer to the ITU bank account indicated below or by cheque. Payment is considered to have been received when it is credited to the ITU bank account. If the payer has a deposit with the ITU, payment is considered to have been received when the Finance Department receives instructions to use the deposited funds for payment.

Payments can also be made in currencies other than Swiss francs, provided that these are convertible into Swiss francs. In such cases, payments will be converted and entered in the accounts at the current clearing rate. If the amount credited to the ITU bank account does not fully cover the processing charges, the invoice is considered as partially settled, and the payer is promptly informed accordingly by the ITU Finance Department. Any overpayment will be cleared with the payer by the ITU Finance Department.

6 Banking and payment arrangements

A bank account in Swiss francs has been set up with the Union Bank of Switzerland (UBS SA, B.P. 2600, 1211 Geneva) to receive payment for processing of filings. The account number is **CH17 0024 0240 C810 1664 6**, Swift number UBSWCHZH80A. The purpose of having a separate bank account is to facilitate the recording and verification of payments received.
