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January 4, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Ex Parte Presentation
CC Docket No. 92-166

Dear Mr. Caton:

Pursuant to Section 1.1806 of the Commission's rules, this is to advise you that Ronald J. Lepkowski of Constellation Communications, Inc. ("CCI") and Robert A. Mazer of Nixon, Hargrave, Devans & Doyle met today with Brian Fontes and Rudy Baca of Commissioner James Quello's office. During this meeting issues presented by CC Docket No. 92-166 were discussed.

If you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

Robert A. Mazer
Robert A. Mazer

cc: Brian Fontes
Rudy Baca

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CONSTELLATION COMMUNICATIONS, INC.

ISSUES: CC Docket No. 92-166

1. Significant progress made to date in resolving Big-Leo proceeding in an administratively efficient manner
- NRM established comprehensive technical record for resolving inter-system and inter-service sharing issues
 - The significant outstanding issue is an administrative one of whether to assign initial operating spectrum now or after launch
 - Commission guidance on framework for early assignment of operating spectrum will allow licensees to promptly complete coordination among themselves and implementation of their systems
2. No licensee needs all or even one half of the spectrum in first year of operations
- No embedded customer base
 - Use of spectrum will increase over the years
 - FCC has never allowed licensee to use more spectrum than is actually required
 - DOMSATS
 - Microwave
 - Paging
 - This is because the FCC as a matter of policy does not want to promote warehousing of spectrum and overbuilding
 - Big systems (e.g. Motorola and LQSS) have not demonstrated that their systems can operate with reduced spectrum availability when additional systems are launched
3. The Motorola/Loral approach will merely result in imposing impediments to entry to second or later entrants
- Coordination agreements will be difficult and unlikely to be concluded between a launched system and systems under construction or in the planning stages
 - Completion of specific coordination agreements will be delayed until the last possible moment by early entrants to the detriment of system planning and implementation of later entrants

- Experience demonstrates that coordination between an operating system and to be launched systems can prove to be extremely difficult

4. The Start/Big grow small approach makes international coordination extremely cumbersome

- Who coordinates? (All licensees, some licensees)
- When do you coordinate?
- International view may be that U.S. is stockpiling spectrum

5. Unfair to give best spectrum to any individual applicant

- Problem clearly exist in lower part of the band (e.g. Glonass and Radio Astronomy)

6. The TRW/Constellation/Ellipsat band segmentation approach is preferable in every respect

- it guarantees each licensee will have spectrum when system is implemented
- it rewards success, encourages efficiency and discourages warehousing
- expansion spectrum is available to meet future growth
- international coordination is better facilitated
- TRW/Constellation/Ellipsat approach provides basis for early completion of coordination

7. Constellation believes it is important for all the parties to this proceeding to jointly resolve all outstanding issues

- avoid mutual exclusivity
- avoid protracted legal and regulatory proceedings
- provide unified U.S. position in international fora