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October 16, 1998

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EX PARTE OR LATE FILED

Via Hand Delivery

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RECEIVED

OCT 16 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **EX PARTE**
ET Docket No. 95-18; RM 9328

Dear Ms. Salas:

Yesterday, October 15, 1998, Norman Leventhal, counsel for ICO USA Service Group ("Service Group"); Peter Hadinger, director, telecommunications policy, TRW, representing the Service Group; and the undersigned, on behalf of ICO Global Communications ("ICO"); met with Rosalind Allen, David Wye and Robert Calaff of the Wireless Bureau to discuss the formation of the Service Group and the status of the above-captioned proceedings. ICO and the Service Group also discussed the spectrum access policy proposals outlined in the attached document.

Four copies of this letter, two for each of the above-cited proceedings, have been submitted to the Secretary of the Commission for inclusion in the public record, as required by Section 1.1206(b)(2) of the Commission's rules.

Sincerely,

Cheryl A. Tritt
Counsel for ICO Global Communications

Attachment

No. of Copies rec'd 0+2
List A B C D E

dc-134124 #2

cc: Rosalind Allen
David Wye
Robert Calaff

PROPOSED ELEMENTS OF FCC SPECTRUM ACCESS POLICY FOR GLOBAL MSS SYSTEMS AT 2GHz

1. Establish global model/precedent for market opening for MSS systems.

2. Global MSS should not pay for spectrum access, whether by auctions, fees or direct relocation costs to any party but will provide accommodation such as technical assistance, product development support and operational constraints where required to allow a rapid and inexpensive transition of incumbent users.

3. Allow for negotiated transition and accommodation arrangements (as described in paragraph 2 above) between MSS entrants and terrestrial incumbents.

   - FCC to allow in-band retuning (FS) prior to Sunset date.

4. Given the near term entry of 2 GHz MSS (August 2000), establish the following basic transition rules and policies to apply in the absence of negotiated arrangements.

   a. 'Sunset' date (1/1/2005) - for all incumbent terrestrial systems, after which MSS systems in 2 GHz bands may commence unconstrained operations.

   b. Terrestrial Licensing in Uplink (1990-2025 MHz)/Downlink (2165-2200 MHz):

   - Freeze on applications for new licenses, renewals and modifications as of issuance of the FNPRM.
   - No new licenses granted upon issuance of the R&O.
   - All renewals prior to January 1, 2000 conditioned on secondary status as of August 1, 2000.

   c. Harmful interference:

   - Adopt ITU interference standards and interference assessment methods for protection of primary Fixed Service systems.
   - MSS to avoid harmful interference to authorized primary terrestrial systems prior to 'Sunset' date.
   - In view of the expected improvement in spectrum efficiency in the digital ENG environment, discontinue BAS Channel 1 (Global MSS spectrum) prior to first MSS operational use.
   - BAS continues use of Channel 2 until such time as additional authorized entry of MSS requires additional spectrum take-up but, in any event, no later than 1/1/2005. It is not expected that accommodation will be necessary for BAS Channel 2.

   d. BAS ENG conversion to digital as soon as possible but, in no event, later than in accordance with FCC fixed DTV conversion schedule (e.g. complete conversion of all commercial television stations by May 1, 2002.)

   e. Shared (entrant and incumbent) operational constraints during transition period.