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October 20, 1998

EX PARTE OR LATE FILED

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Via Hand Delivery

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

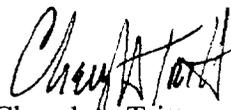
Re: **EX PARTE**
ET Docket No. 95-18; RM 9328

Dear Ms. Salas:

On October 15, 1998, representatives of the ICO USA Service Group ("Service Group") and ICO Global Communications met with staff members from the International Bureau, the Office of Engineering and Technology and the Wireless Bureau to discuss, *inter alia*, the spectrum access policy proposals outlined in the attached document. Ex parte letters reporting the meetings were filed with the Secretary on October 16, 1998. Subsequent to the October 15 meetings, the parties discovered an error in the spectrum access policy proposal. The attached document reflects the policy proposal as corrected. The parties request that the Commission substitute the attached document for the document previously filed with the ex parte letters.

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

MORRISON & FOERSTER LLP

Ms. Magalie Roman Salas
October 20, 1998
Page Two

cc: Rosalind Allen (w/attachment)
Robert Calaff (w/attachment)
Rebecca Dorch (w/attachment)
Mindy Ginsburg (w/attachment)
Charles Iseman (w/attachment)
Karl Kensinger (w/attachment)
Julius Knapp (w/attachment)
Geraldine Matise (w/attachment)
Fred Thomas (w/attachment)
Sean White (w/attachment)
David Wye (w/attachment)

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

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 and modifications as of issuance of the FNPRM.
 - No new licenses granted upon issuance of the R&O.
 - All renewals granted after issuance of 2 GHz FNPRM conditioned on secondary status as of January 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.