

MORRISON & FOERSTER LLP

ORIGINAL

SAN FRANCISCO
LOS ANGELES
SACRAMENTO
ORANGE COUNTY
PALO ALTO
WALNUT CREEK
DENVER

ATTORNEYS AT LAW

2000 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20006-1888
TELEPHONE (202) 887-1500
TELEFACSIMILE (202) 887-0763

NEW YORK
LONDON
BRUSSELS
BEIJING
HONG KONG
SINGAPORE
TOKYO

April 30, 1999

EX PARTE OR LATE FILED

Writer's Direct Contact

(202) 887-1510

CTritt@mofa.com

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, DC 20554

RECEIVED
APR 30 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex-Parte
ET Docket No. 95-18

Dear Ms. Salas:

On Wednesday, April 28, 1999, representatives of ICO Global Communications, Francis Coleman, Jeffrey Binckes, the undersigned and Norman Leventhal, counsel to the ICO U.S. Service Group, met with Thomas Tycz, Linda Haller, Howard Griboff and Karl Kensinger of the International Bureau and Sean White of the Office of Engineering and Technology, and in a separate meeting with Diane Cornell, Kathleen Ham, Ronald Netro, John Borkowski of the Wireless Bureau to discuss the above-captioned proceeding.

The discussions focused on the attached document and on the parties' earlier comments filed in the above-captioned proceeding.

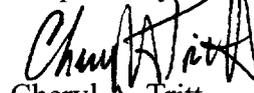
No. of Copies rec'd 071
List A B C D E

MORRISON & FOERSTER LLP

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
April 30, 1999
Page Two

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, an original and one copy of this letter are provided to the Secretary for inclusion in the record.

Respectfully submitted,



Cheryl A. Tritt
Counsel for ICO Global Communications

Enclosure

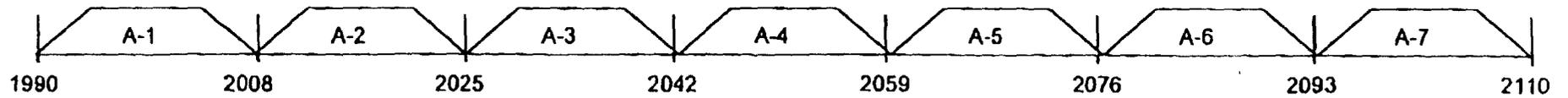
cc: Thomas Tycz
Linda Haller
Howard Griboff
Karl Kensinger
Sean White
Diane Cornell,
Kathleen Ham,
Ronald Netro,
John Borkowski

CRITICAL 2 GHz RELOCATION ISSUES

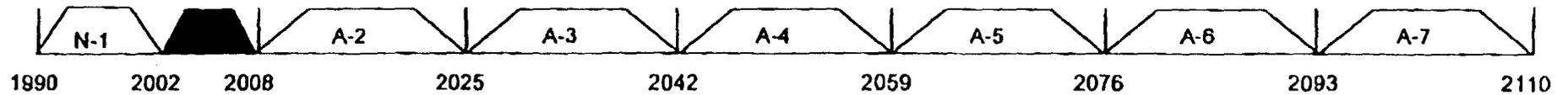
- **BAS/FS relocation required only where harmful interference to existing primary incumbents results**
 - This permits spectrum to be cleared only as needed by MSS operations (no universal, flash cut-over is possible or desirable)
 - UTC's petition for advance determination of "harmful interference" is misplaced
- **MSS must be allowed to select the least cost alternative where relocation is necessary**
 - For BAS, this means a phased transition incorporating narrowband, analog channels only in that spectrum needed by MSS
 - For FS, this means allowing in-band retuning (with further relocation if necessary later)
- **A reasonable Sunset Date is necessary to finalize the new band allocations by which all incumbents are subject to mandatory relocation without further compensation**
 - January 1, 2005 is appropriate
- **MSS relocation obligations should relate solely to the specific spectrum each operator will actually utilize**
 - License conditions and rules fully protect later entrants
- **To minimize complications and additional costs, no new 2GHz BAS or FS applications should be accepted**
- **Recognition of prior tax benefits and avoidance of a windfall to incumbents require use of depreciated value in determining relocation obligations.**

IUSG Suggested BAS Transition Plan

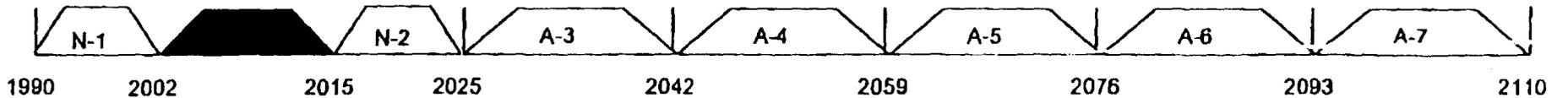
Current BAS channellization (note: A-x refers to existing analog channels; N-x refer to new 12MHz analog or 10MHz digital channels)



Step 1: Minimum impact to broadcasters: conversion to digital or narrow band FM analog in 12 MHz channel frees up 6 MHz for MSS



Step 2: Converts one more BAS channel to 10MHz digital for an additional 7MHz for MSS (total=12MHz) – needed only after 200x



Step 3: Clears all of MSS spectrum, leaves legacy wideband analog channels for broadcasters (important to allow continued use of portables, etc. that may not be easily converted to digital and to allow roaming of analog trucks from stations that did not have to convert earlier.

