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October 13, 1999

VIA HAND DELIVERY

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals, 12th Street Lobby
445 12th St., SW, Counter TW-A325
Washington, DC 20554

Re: Ex Parte Presentation
IB Docket No. 99-81
ET Docket No. 95-18
RM-9328

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, I hereby submit an original plus six copies of this letter to notify you that David Otten of Celsat America, Inc. ("Celsat"), Toni Bush and I of this firm, and Mark Grannis of Harris, Wiltshire & Grannis, met with Howard Griboff, Karl Kensinger, Chris Murphy, and Alex Roytblat from the staff of the Commission's International Bureau on Tuesday, October 12, 1999. At the meeting, Celsat discussed its proposal that the Commission grant the 2 GHz MSS applications in their unamended form in order to dispense with another round of amendments, comments, and replies. Celsat expressed its concern that an amendment cycle would cause unnecessary delay in the introduction of new services to the public. In the context of this discussion, the attached hand-out was distributed to all participants at the meeting. Celsat also responded to questions from the Commission regarding certain technical aspects of Celsat's ability to share 2 GHz spectrum with incumbent users.

Please direct any questions concerning this matter to the undersigned.

Very truly yours,

Brian Weimer

cc: Howard Griboff
Karl Kensinger
Chris Murphy
Alex Roytblat

CELSAT AMERICA, INC.

PRESENTATION TO INTERNATIONAL BUREAU STAFF

TUESDAY, OCTOBER 12, 1999

TOPIC: PROCEDURAL APPROACHES TO LICENSING 2 GHZ MSS APPLICANTS

First Approach: Grant the 2 GHz applications in unamended form and require successful applicants to submit letters (in lieu of amended applications) in which they agree to comply fully with all conditions required by the Commission.

1. The FCC has full authority to grant unamended applications with conditions. 47 CFR § 25.156(b) of the Commission's rules expressly permits the Commission to grant satellite applications with conditions.

2. The FCC has granted unamended applications with conditions in the past. In the first processing round of the Ka-band, the FCC granted all applications conditioned upon each applicant's agreement to comply with the Commission's subsequently issued Ka-band service rules order. The International Bureau stated its reasons for taking this action as follows: "because [each applicant's] application is

not mutually exclusive with any other U.S. commercial satellite system on file, and can be evaluated under current Part 25 rules, we do not view the [service rules] rulemaking as a bar to considering [each applicant's] application now."[1]

3. Forgoing the amendment process will serve the FCC's worthy goal of expediting the licensing process. The FCC has repeatedly stated that it is attempting to expedite the licensing process in the 2 GHz proceeding. Granting the 2 GHz applications in unamended form will further this goal by dispensing with at least three months of delay while applicants participate in another cycle of amendments, comments and replies.

4. The process of filing conforming amendments serves no purpose not already served by merely granting the applications in unamended form. The purpose of putting applications on public notice is to permit interested parties to comment upon them. All parties with an interest in the 2 GHz proceeding have already had an opportunity to comment upon the 2 GHz MSS applications. Permitting them to do so again is not likely to elucidate any new issues with respect to the applications. Moreover, the 2 GHz applicants and the public will still be permitted to petition to deny the orders granting the licenses with conditions, which will effectively serve the same purpose as a cycle of amendments, comments and replies.

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1 See, e.g., Echostar Satellite Corporation Application for Authority to Construct, Launch, and Operate a Ka-band Satellite System in the Fixed-Satellite Service, 13 FCC Rcd 5665 (Int. Bur. 1997).

Second Approach: A second approach to licensing 2 GHz MSS applicants would be to announce the band plan right away and subsequently issue service rules. Applicants could then proceed to file amendments to their applications immediately, and the cycle of amendments, comments and replies would be finished that much sooner.