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November 1, 1999

EX PARTE OR LATE FILED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: **EX PARTE**
IB Docket 99-81, RM 9328; ET Docket 95-18

Dear Ms. Salas:

On October 29, 1999, Richard DalBello, vice president of government affairs for North America; Francis Coleman, director of regulatory affairs, and the undersigned, all representing ICO Global Communications ("ICO"); and Norman Leventhal of Leventhal, Senter & Lerman, representing the ICO USA Service Group, met with Mark Schneider, senior legal advisor to Commissioner Susan Ness, and Adam Krinsky, legal advisor to Commissioner Gloria Tristani to discuss the 2 GHz mobile satellite service ("MSS") licensing and relocation issues. Specifically, the representatives' briefing focused on an integrated negotiated entry approach for 2 GHz MSS licensing, as set forth in the attached outline.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, six copies of this letter are provided to the Secretary for inclusion in the record in the above-captioned proceedings.

Very truly yours,

Cheryl A. Tritt

Attachment

cc: Mark Schneider
Adam Krinsky

KEY ELEMENTS OF A SUCCESSFUL 2 GHz MSS REGULATORY POLICY

October 27, 1999

A) LICENSING POLICY (IB Docket 99-81) - INEA IS THE ONLY SOLUTION

The IUSG and ICO have sponsored the following Integrated Negotiated Entry Approach ("INEA") for 2 GHz MSS licensing, as follows:

1) Conditionally license all qualified applicants across relevant band
2) Impose measurable milestones, including "1 year from launch" milestone
3) Require system agility across relevant spectrum to allow operational flexibility
4) Guarantee a minimum amount of spectrum to later entrants
5) Obligate earlier entrants to coordinate with later entrants
6) Provide prompt interim relief pending cure of failed coordination
7) Equalize relocation costs among all MSS operators

The IUSG and ICO believe that INEA is the **only** realistic solution for 2 GHz MSS licensing for the following reasons

- The extant circumstances require a licensing approach that departs from established practice.
- No agreement by the nine applicants on the licensing band plan is likely, but there is clear and widespread acknowledgment of the need for the INEA's spectrum and financial flexibility.
- INEA would guarantee spectrum access, expeditious dispute resolution and cost equalization.
- INEA would offer a licensing plan designed to facilitate the orderly and equitable relocation of 2 GHz incumbents.
- Only the INEA takes realistic account of the effect of the 2 GHz licensing process on international coordination

B) RELOCATION POLICY (ET Docket 95-18) – THERE ARE FUNDAMENTAL DIFFERENCES BETWEEN MSS AND PCS. MSS REQUIRES A DIFFERENT APPROACH

The following elements are essential to a successful 2 GHz MSS relocation policy:

- Transition primary incumbents at **least cost**
- Transition incumbents **gradually**, as spectrum needed for MSS

- Transition incumbents only when **harmful** interference exists
- Limit entrant's share of relocation to value of **remaining useful life** of incumbent's equipment
- Impose **sunset** to encourage negotiation, combined with **freeze** on BAS/FS
- Recognize **integrated** nature of licensing and transitioning processes.