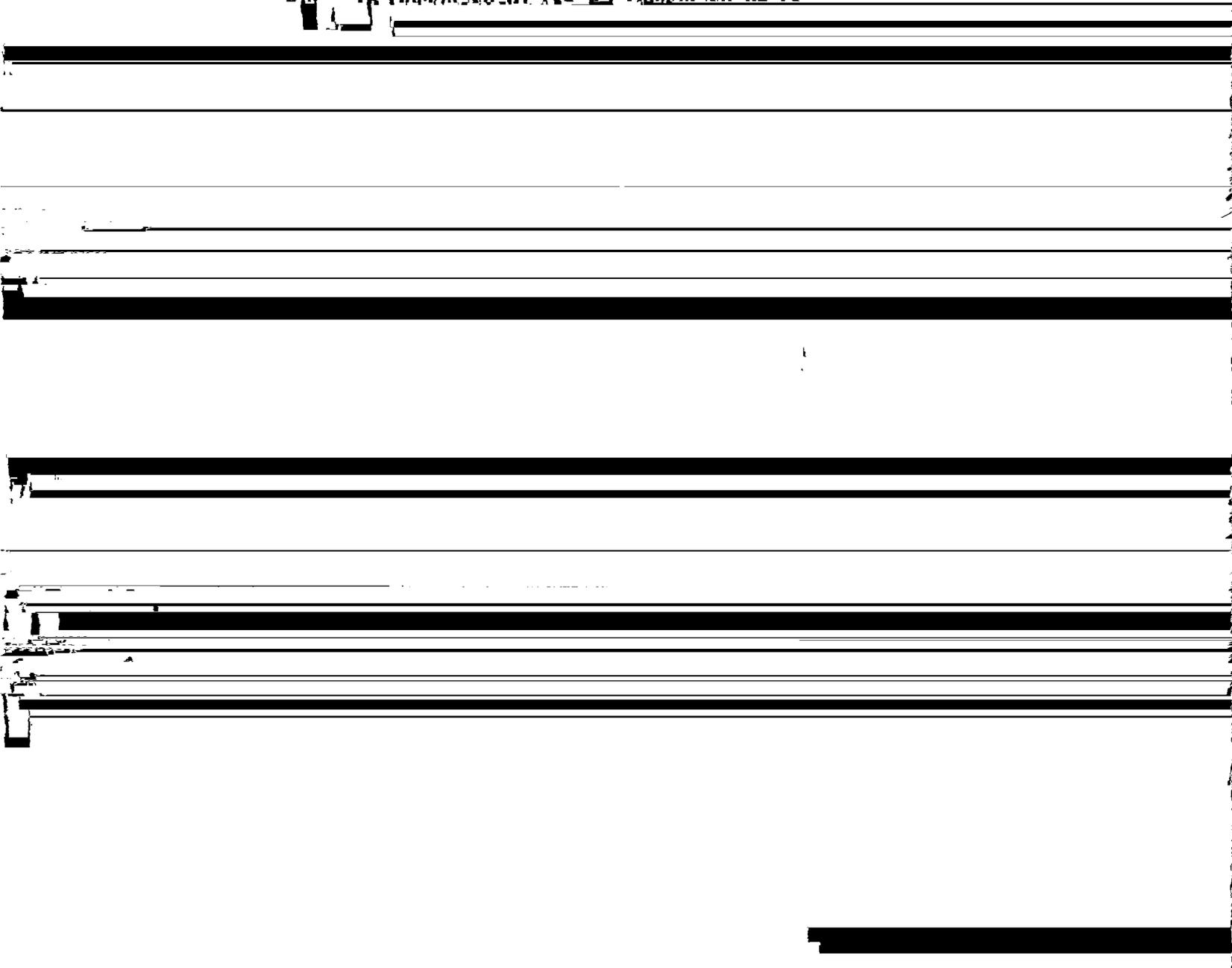


November 26, 2002

The Honorable Michael J. Copps  
Commissioner  
Federal Communications Commission  
445 Twelfth Street, S.W., Room 8-A302  
Washington, D.C. 20554

Re: IP Docket No. 01-185 ET Docket No. 05-18



The present 2 GHz MSS service rules do not permit terrestrial use. What several of the MSS licensees seek from the Commission – the authority to provide terrestrial services in spectrum that was obtained for free and was exempt from auction due to the satellite nature of the service – is at odds with the letter and spirit of Section 309(j) of the Communications Act, as well as the Commission’s own decision in the Northpoint proceeding. Any spectrum made available for commercial terrestrial services *must* be auctioned pursuant to Section 309(j) of the Communications Act. A decision by the Commission to give MSS licensees the ability to provide terrestrial services would not only violate the statute, it would be inconsistent with the Commission’s overarching goal of ensuring that spectrum is put to its highest and best use. The