



March 13, 2003

Via Electronic Filing

Ms. Marlene Dortch
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: **EX PARTE**
ET Docket No. 95-18; IB Docket 01-185; ET Docket 00-258

Dear Ms. Dortch:

On March 11, on behalf of ICO Global Communications (Holdings) Limited ("ICO"), Larry Williams, Suzanne Hutchings and ICO Counsel Cheryl Tritt met with John Branscome of the Wireless Telecommunications Bureau, and Deputy Bureau Chief Anna Gomez, Chris Murphy, Tom Tycz, Breck Blalock, Karl Kensinger, and Howard Griboff of the International Bureau.

ICO addressed the March 6, 2003 ex parte filing by AT&T Wireless Services, Inc., Cingular Wireless LLC, and Verizon Wireless ("the Carriers"). ICO noted that the ex parte asserted in part that pursuant to the ATC Order,¹ the Commission will *consider* ATC authority only after an MSS licensee has met the gating requirements set forth in the ATC Order. ICO disagreed, pointing out that the ATC Order expressly contemplated that ATC licensing, construction and testing activities could occur prior to commencement of mobile satellite services.² ICO also acknowledged that under the ATC Order, ATC services cannot be offered commercially before or until the licensee's MSS system is commercially operating and the gating criteria met.³

ICO stated that the ATC Order specifically supports ICO's view and urged the Commission not to reconsider or clarify *sua sponte* its decision in a way that would prohibit MSS licensees' ability to obtain ATC authorization prior to

Letter to Marlene Dortch, page 2

March 13, 2003

¹ *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, FCC 03-15 (Feb. 10, 2003) ("ATC Order").

² See ATC Order, ¶¶ 3, 250, App. B (adopting 47 C.F.R. § 25.143(i), (j)).

³ See ATC Order, ¶¶ 3, 85, 250.

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commencement of MSS services. Allowing MSS licensees to obtain such authorization before the MSS system is commercially operational and gating criteria met, will help ensure that the Commission has adequate time to review the application and solicit public comment, if appropriate, and that the MSS licensees will not be delayed in offering ATC services once their systems are commercially operational. ICO acknowledges that ATC services will be ancillary to MSS services and will be part of integrated operations, but urges the Commission to retain its articulated policy decision to allow an MSS licensee a degree of flexibility in deciding when to seek ATC authority.

In accordance with section 1.1206(b) of the Commission's rules, I am submitting an electronic copy of this letter. If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

/s/ Suzanne Hutchings

Suzanne Hutchings

ICO Global Communications (Holdings) Ltd.

cc: Bryan Tramont
Sam Feder
Jennifer Manner
Paul Margie
Barry Ohlson
Breck Blalock
John Branscome
Anna Gomez
Howard Griboff
Karl Kensinger
Chris Murphy
Tom Tycz