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June 24, 2003

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: **EX PARTE**
IB Docket Nos. 02-34, 02-54, and 99-81; ET Docket No. 00-258; FCC File No. SAT-MOD-20020726-00113

Dear Ms. Dortch:

On June 23, 2003 Gerry Salemme and the undersigned representing ICO Global Communications (Holdings) Limited met with Paul Margie, legal advisor to Commissioner Michael Copps, to discuss the above-referenced proceedings. During the conversation the representatives noted that the Commission in the 3G Order[1] had reduced from 70 MHz to 40 MHz the amount of spectrum allocated in the 2 GHz band to mobile satellite services ("MSS"), leaving only 10 MHz of spectrum in the uplink frequencies allocated on a global basis. The representatives argued that the public interest will not be served by allowing regional geostationary ("GSO") MSS systems to occupy the few remaining frequencies allocated on a global basis. The representatives also noted that the Commission in its initial decision to allocate spectrum at 2 GHz for MSS focused on the benefits of global MSS systems to unserved and unserved areas around the globe. Ceding the remaining spectrum to regional GSO systems will not realize the benefits anticipated by the Commission in its initial allocation.

The representatives also noted that the Commission has not approved previously a satellite modification application that sought to substitute a GSO satellite for an authorized nongeostationary ("NGSO") system. They distinguished a recent Commission decision that affirmed on review an approval of an application for a satellite digital audio radio service

[1] *See Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems*, 18 FCC Rcd 2223 (2003).

("SDARS") licensee to change from a two-satellite GSO to a three-satellite NGSO system.[2] In upholding the approval, the Commission stated that the application "did not 'modify' either the GSO system previously approved or a previously approved NGSO system...but asked the Commission to approve an entirely new NGSO system, wholly different in its technical and operational aspects."[3] Consequently, the Commission affirmed the requirement that the applicant pay the fee applicable to new license applications for NGSO systems, instead of the fee for applications to modify GSO systems.

The representatives also discussed the measures approved in the Satellite Licensing Order[4] that would make it difficult for any 2 GHz licensee to aggregate sufficient spectrum to operate a robust MSS system using the ancillary terrestrial component.

In accordance with Section 1.1206(b) of the Commission's rules, I am filing an original and two copies of this letter to be included in the above-referenced proceedings.

Very truly yours,

Cheryl A. Tritt
Counsel for ICO Global Communications (Holdings) Ltd.

cc: Paul Margie (FCC)

[2] *See Sirius Satellite Radio Inc.*, FCC 03-135 (June 19, 2003).
[3] *Id.* ¶ 10.
[4] *See Amendment of the Commission's Space Station Licensing Rules and Policies*, FCC 03-102 (May 19, 2003).