

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT
1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN L. WIENER
MICHAEL A. MCCOIN
BRITA D. STRANDBERG

—
HENRIETTA WRIGHT
THOMAS G. GHERARDI, P.C.
COUNSEL

(202) 429-4900
TELECOPIER:
(202) 429-4912
general@g2w2.com

December 8, 2003

VIA ECFS

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

Re: IB Docket No. 02-54
Notification of Written *Ex Parte* Presentation

Dear Ms. Dortch:

On December 5, 2003, Richard Dalbello, President of the Satellite Industry Association, sent an e-mail concerning the above-referenced proceeding to Sheryl Wilkerson of Chairman Powell's office, with copies to Barry Ohlson of Commissioner Adelstein's office, Paul Margie of Commissioner Copps's office, Jennifer Manner of Commissioner Abernathy's office, and Sam Feder of Commissioner Martin's office. The text of the e-mail was as follows:

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From: Richard Dalbello [mailto:rdalbello@sia.org]

Sent: Friday, December 05, 2003 4:35 PM

To: Sheryl Wilkerson

Cc: Barry Ohlson; 'Paul.Margie@fcc.gov'; Jennifer Manner (jmanner@fcc.gov); 'sam.feder@fcc.gov'

Subject: Space Debris -- SIA Policy Issues

Sheryl,

Yesterday, you asked me to clarify whether SIA had any policy problems with the Space Debris item.

The simple answer is that we are not sure, since we have had no discussion on this item for over a year. When SIA last discussed this issue with the International Bureau we were concerned about a range of issues, including:

- Given the past, extremely successful, practices of the industry, it was unclear that the Commission had identified a problem that required regulation. Upon successful separation of the spacecraft from the launch vehicle, the spacecraft stays in one piece for its life and does not create debris. Except in rare cases of catastrophic failure, all US satellite operators, at the end of the useful life of the satellite, have planned to move, and have actually moved, satellites from their operational orbit to safe graveyard orbits.
- New regulation will result in real, quantifiable cost to the satellite industry. It was unclear to us that these real costs had been carefully balanced against the potential benefits of the proposed regulations.
- The SIA did not believe that it was necessary to require an orbital debris plan as part of the space station application process. If such a process was required, SIA was very concerned that the process only be applied prospectively. Satellites in orbit and satellites under construction have been designed to implement a specific business plan. Regulations that shorten the life of a satellite could alter the underlying business plan.
- There was some uncertainty in the application of the IADC formula. The SIA believed that, if the formula was applied, that operators of geostationary satellites should have the flexibility of choosing between the lesser of the orbit achieved through application of the IADC formula and 300 kilometers.
- The SIA believes that, due to the unique nature of non-geostationary satellites, the Commission should continue its case-by-case review of de-orbiting plans.
- The Commission should apply whatever debris mitigation rules it adopts for US-licensed satellite operators to satellite operators wishing to serve the US market through non-US licensed satellites.

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Since we have not had a chance to discuss this item, we do not know if these issues have been addressed, nor have we been able to clarify the financial impact of what is being proposed. SIA believes that it would be in the industries best interest to delay FCC action on the space debris issue until a more complete review can be accomplished.

Sincerely,

Richard

Richard DalBello

President

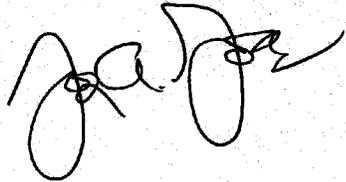
Satellite Industry Association

Work: (703) 739-8357

Cell: (202) 255-0891

Please direct any questions concerning this filing to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Godles", with a stylized flourish at the end.

Joseph A. Godles

Attorney for PanAmSat Corporation

Member, Satellite Industry Association

cc: Sheryl Wilkerson
Barry Ohlson
Paul Margie
Jennifer Manner
Sam Feder