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June 1, 2004

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

Re: ***Notice of Ex Parte Presentation***, Review of the Spectrum Sharing Plan  
Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems  
in the 1.6/2.4 GHz Bands, IB Docket No. 02-364.

Dear Ms. Dortch:

On May 28, 2004, I sent via e-mail the attached document containing quotations from the FCC's Big LEO NPRM and Order to the following FCC staff persons: Sheryl Wilkerson, Jennifer Manner, Sam Feder, Paul Margie, Barry Ohlson, and Stacy Fuller.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. §1.1206(b)(1) (*incorporating* 47 C.F.R. §1.49), a copy of this letter, and the attached document are being filed electronically for inclusion in the above-noted docket. Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

/s/ Peter D. Shields  
Peter D. Shields  
Counsel for Iridium Satellite, LLC

Attachment

## Big LEO Band Rebalancing

**The FCC has repeatedly acknowledged its intent to rebalance the Big LEO Band in the event that only one CDMA MSS system is deployed.**

- In the NPRM seeking comment on the licensing rules for the Big LEO Band, the Commission proposed that in the event only one CDMA licensee goes forward, it would “reduce the bandwidth assigned to that system automatically from 11.35 MHz to 8.25 MHz,” stating that “an 8.25 MHz assignment, or one-half of the available 1.6 GHz MSS allocation, should be sufficient to support a viable system.” The Commission then proposed to make the “remaining 3.1 MHz of spectrum...available to an operational FDMA/TDMA system upon a showing of need or, if this demonstration could not be made, to a new entrant.” *Amendment of the Commission’s Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands*, Report and Order, 9 FCC Rcd 5936, ¶ 54 (1994) (“*Big LEO Order*”) (referencing *Amendment of the Commission’s Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands*, Notice of Proposed Rulemaking, FCC 04-11, CC Docket No. 92-166, ¶33 (1994)).
- In the NPRM proposing Iridium’s rebalancing, the FCC “tentatively conclude[ed] that a rebalancing of spectrum in the Big LEO band would serve the public interest.” *Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, Notice of Proposed Rulemaking, FCC 03-15, IB Docket No. 02-364, ¶ 5 (Feb. 10, 2003) (“*NPRM*”).
- “Because only one CDMA Big LEO system has deployed, it is now appropriate to consider making **at least 3.1 megahertz of additional spectrum available to Iridium.**” *NPRM* at ¶ 266 (emphasis added).
- “The Commission said that it would consider reducing the 11.35 megahertz of spectrum allocated for sharing among CDMA systems in the Big LEO service uplink band to 8.25 megahertz if only one CDMA system were implemented.” *NPRM* at ¶ 263 (citing ¶ 54 (“*Big LEO Order*”).
- “Regardless of whether parties can reach an agreement, we tentatively conclude that a **rebalancing** of the Big LEO band will serve the public interest and intend to proceed expeditiously on considering the appropriate amount of spectrum that each Big LEO MSS licensee should receive.” *NPRM* at ¶ 266 (emphasis added).
- “In the event [this proceeding is not completed prior to granting any ATC authorizations], it may be necessary and in the public interest to specifically impose conditions on a grant of ATC authority that would preserve a full range of options concerning the Big LEO band and that would permit grant to Iridium of interim access to additional spectrum pending resolution of the further notice.” *NPRM* at ¶ 266.