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August 24, 2005

ORIGINAL

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

RECEIVED

AUG 24 2005

Re: Notice of Ex Parte Presentation
IB Docket Nos. 05-220 and 05-221

Federal Communications Commission
Office of Secretary

Yesterday, Alan Auckenthaler of Inmarsat and I met with the members of the International Bureau identified below. The conversation was based on the attached proposal that we presented.

Sincerely yours,


John P. Janka

Enclosure

cc: Bill Bell
Jerry Duvall
Gardner Foster
Anna Gomez
Karl Kensinger
Steve Spaeth
David Strickland
Cassandra Thomas

2 GHz MSS Licensing Proposal

Basic Policy Goal:

Facilitate the role of MSS in the wireless broadband revolution and maximize chances for meaningful broadband MSS competition in the returned 2 x 12 MHz at 2 GHz

Procedural Solution:

First, issue a further 2 GHz Public Notice expeditiously seeking comment on:

- minimum bandwidth appropriate for a broadband 2 GHz MSS system, using spectrum-efficient segments (e.g., multiples of 1 or 1.25 MHz)
- desirable number of initial 2 GHz MSS competitors (e.g., 4 or 5)
- performance requirements that facilitate broadband goals, e.g.:
 - overall system throughput
 - data rates supported

Second, resolve policy issues raised in the Public Notice and open a processing round soliciting 2 GHz MSS system applications for the returned 2 x 12 MHz consistent with those policy determinations

Third, use the following modified licensing approach *only if* applications filed in the processing round yield more applicants than the 2 x 12 MHz supports:

- Approval of application provides the chance to be one of the first to deploy an MSS system satisfying 2 GHz MSS broadband requirements
- Require an appropriate bond to secure performance within a specified period (allowing entities to withdraw before posting if they do not like the then-known competition)
- Impose milestones to (i) ensure that applicants actually move forward in a timely fashion and (ii) provide other competitors visibility into construction and an opportunity to withdraw if they deem themselves too far behind
- Allow two or more applicants to combine efforts into deploying a single system, to increase chances of successfully deploying in time
- Award spectrum to the first few entities to *successfully deploy*, until spectrum is fully subscribed
- Require demonstration of compliance with minimum technical and other criteria after launch and before actual award of right to operate in spectrum
- Existing 2 GHz licensees could
 - compete for additional spectrum under new approach (if they satisfy new requirements as to additional spectrum, and also continue to satisfy existing license terms); or
 - surrender current licenses and pursue systems entirely under the new approach

Public Interest Benefits:

- Spectrum is assigned to entities who actually implement when they implement (avoids warehousing)
- Marketplace separates winners from losers, rather than FCC making that determination
- Eliminates use of regulatory gamesmanship to retain spectrum reservation
 - no award of right to operate in the spectrum until one actually deploys
- Bases spectrum award on actual performance, rather than promises
- Spectrum not assigned in segments (e.g., 6.67 MHz) that would be partially unutilized when employing carriers based on multiples of 1 or 1.25 MHz