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July 19, 2010

FILED ELECTRONICALLY

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

Re: Notice of Ex Parte Presentation

WT Docket No. 02-55
ET Docket Nos. 00-258 and 95-18

Dear Ms. Dortch:

On July 16, 2010, R. Gerard Salemme of ICO Global Communications (Holdings) Limited ("ICO Global"), Larren Nashelsky of Morrison & Foerster, and the undersigned met with Austin Schlick, General Counsel, and Julie Veach, David Horowitz, Andrea Kearney, and Sarah Stone of the Office of General Counsel; Nick Oros and Jamison Prime of the Office of Engineering and Technology; and Geraldine Matise, Gardner Foster, and Robert Nelson of the International Bureau regarding the above-captioned proceedings.

During the meeting, we reviewed the history of BAS relocation and explained that holding ICO Global liable for reimbursing Sprint's past BAS relocation costs would be a windfall for Sprint, because Sprint had not cleared the BAS band in accordance with deadlines and the burden of risks explicitly identified by the Commission and accepted by Sprint in the *800 MHz* proceeding, and that imposing liability on ICO Global would also constitute impermissible retroactive rulemaking.

We also argued that extending an MSS licensee's liability for relocation reimbursement costs to a shareholder of or investor in the licensee would effectively broaden the reimbursement rules to require joint and several liability for those costs, which two federal courts have held is not the case under the current BAS reimbursement rules, and would violate the principle that a corporation cannot be held liable for the obligations of separate corporate entities in which it holds an ownership interest. In this regard, we noted that DBSD (fka ICO North America) had other shareholders in addition to ICO Global; that DBSD's bondholders had the right to take a substantial equity share in DBSD; and that not only were the businesses of ICO Global and DBSD entirely different, but DBDS's investors insisted on corporate and legal separation between ICO Global and DBDS as a condition of investing in the latter. We also briefly discussed the impact of DBSD's bankruptcy on the ability of the Commission to impose

reimbursement liability on ICO Global in the context of the above proceedings. Finally, we agreed to provide a written ex parte filing of points and authorities addressing these issues.

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary and served electronically on the Commission participants in the meetings.

Should there be any questions regarding this matter, please contact the undersigned.

Sincerely,

Howard J. Symons

cc: Austin Schlick
Julie Veach
David Horowitz
Andrea Kearney
Sarah Stone
Nick Oros
Jamison Prime
Geraldine Matise
Gardner Foster
Robert Nelson