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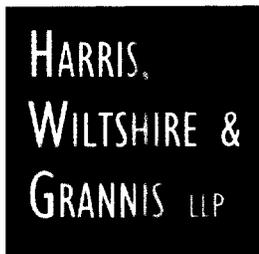
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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WASHINGTON, DC 20036

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ATTORNEYS AT LAW



September 28, 2000

EX PARTE OR LATE FILED

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Twelfth Street Lobby, TW-A325  
Washington, D.C. 20554

**Re: *In the Matter of the 17.7-19.7 GHz Frequency Band, IB Docket No. 98-172***

Dear Ms. Salas:

Today, on behalf of Teledesic Corporation, I sent a letter to Mr. Steven Selwyn of the International Bureau concerning the above-captioned matter. I have enclosed two copies for inclusion in the public record pursuant to 47 C.F.R. § 1.1206. Please call me at 202-730-1355 if you have any questions.

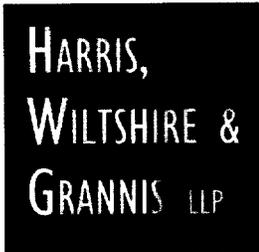
Sincerely,

A handwritten signature in black ink, appearing to read "S. Feder", with a long horizontal flourish extending to the right.

Samuel L. Feder

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September 27, 2000

Mr. Steven D. Selwyn  
International Bureau  
Federal Communications Commission  
Room 7-A640  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: *In the Matter of the 17.7-19.7 GHz Frequency Band, IB Docket No. 98-172***

Dear Mr. Selwyn:

On behalf of Teledesic Corporation, I write to alert you to errors in the Report and Order, *In the Matter of Redesignation of the 17.7-19.7 GHz Frequency Band*, IB Docket No. 98-172 (rel. June 22, 2000), as well as in the Federal Register notice. These errors concern the distinction between the 18.58-18.8 and 18.8-19.3 GHz bands with respect to the cut-off date for grandfathering pending terrestrial fixed station applications.

In the Report and Order, the Commission stated that, for the 18.58-18.8 GHz band, it would extend the cut-off date for grandfathering pending terrestrial fixed station applications to coincide with adoption of the Report and Order (June 8, 2000). *See* Report and Order ¶¶ 65-66. The Commission explained that this extension was warranted because none of the proposed band plans discussed redesignating the 18.58-18.8 GHz band for primary GSO/FSS use, and thus applications for terrestrial fixed stations in the 18.58-18.8 GHz band may have had insufficient warning that this band would no longer be available for terrestrial fixed service. *See id.* ¶ 66. The Commission made clear, however, that, with respect to the 18.8-19.3 GHz band, for which there was sufficient warning of redesignation, the cut-off date for grandfathering pending terrestrial fixed station applications would remain September 18, 1998 – the date proposed in the *18 GHz NPRM*. *See* Report and Order ¶ 65.

Unfortunately, elsewhere in the Report and Order, the cut-off dates for the two bands are misstated. Specifically, paragraph 63(a) of the Report and Order wrongly states that the cut-off date for both bands is the same. *See* Report and Order ¶ 63(a) (“[T]hose terrestrial fixed services in the 18.58-19.3 GHz band that have been either licensed or for which applications are pending as of the adoption date of this *Report and Order* are granted permission to continue to operate on a co-primary basis . . .”). More importantly, the amendment to 47 C.F.R. § 25.145(i) (included

Mr. Steven D. Selwyn  
September 28, 2000  
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in Appendix A) erroneously reverses the cut-off dates for two bands. *See* 47 C.F.R. § 25.145(i)(2) (Appendix A) (“18.58-18.8 GHz: FSS space stations transmitting in the 18.58-18.8 GHz band may not cause unacceptable interference to fixed service receive stations that were licensed or for which an application was pending prior to *September 18, 1998.*”) (emphasis added); *id.* § 25.145(i)(3) (“18.8-19.3 GHz: FSS space stations transmitting in the 18.8-19.3 GHz band may not cause unacceptable interference to fixed service receive stations that were licensed or for which an application was pending prior to [*adoption date of R&O.*]”) (alteration in original; emphasis added). The Federal Register notice of the Report and Order failed to fix these errors. *See* 65 Fed. Reg. 54,155, 54,171 (amending 47 C.F.R. § 25.145(i)).

Accordingly, Teledesic suggests that the Commission issue an erratum to its Report and Order and publish the erratum in the Federal Register. Please let me know if you have any questions.

Sincerely,



Samuel L. Feder

cc: Magalie Roman Salas (2 copies)