



June 24, 2002

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: *Flexibility for Delivery of Communications by Mobile Satellite Service***  
*IB Docket No. 01-185; ET Docket No. 95-18*

Dear Ms. Dortch:

The recent “Request to Suspend Action” filed by AT&T Wireless, Cingular Wireless, and Verizon Wireless (jointly “Terrestrial Wireless Incumbents”) is a continuation of a longstanding crusade to prevent the Commission from embracing prompt action and sound policy and should be dismissed. The first wave of this crusade consisted of meritless appeals of a reasoned MSS allocation and licensing decision that were correctly decided. The second wave consisted of attempts to tie MSS flexibility to a bevy of other spectrum proceedings, from the pending 3G proceeding to the 800 MHz public safety controversy to the 700 MHz auctions. The third wave was to slowly dribble out late-filed technical studies that for the most part confirmed everything ICO Global Communications (Holdings) Ltd. (“ICO”) had previously told the Commission, but were nonetheless submitted into the public record with a subtextual “Aha!”

Regrettably, these successive assaults have largely succeeded in slowing the Commission down. But with the Commission finally preparing to take its long-overdue action in this matter, the Terrestrial Wireless Incumbents have offered yet another delaying tactic. Hence, the latest wave of the crusade goes into “lather, rinse, repeat” mode by attempting to bootstrap the original wave of frivolous appeals into grounds for a suspension of further progress almost one year later. These procedural maneuvers have no more substance than any of the other dilatory tactics that came before it.

ICO, of course, does not wish to delay the denial of the petitions on which the Terrestrial Wireless Incumbents demand action. Nor does ICO care whether the denial of those petitions comes on the same day that MSS flexibility is granted, or on some different day. ICO simply does not care how many proceedings are decided concurrently with the MSS flexibility proceeding, as long as the MSS flexibility proceeding is decided as soon as possible.

That said, the alleged “linkage” among the items cited by the Terrestrial Wireless Incumbents exists only in the imaginations of their lawyers. Granting flexibility to MSS licensees does not imply that the MSS allocation was unjustified, any more than granting PCS carriers the ability to provide fixed services implied that the PCS allocation was unjustified. Granting flexibility to MSS licensees does not mean that the original licenses not including that flexibility were wrongly granted, any more than granting additional flexibility to MDS licensees meant that the MDS licenses were wrongly granted. These arguments belie the Commission’s forward looking flexibility policies, because if flexibility cannot be granted to licensees who don’t already have it, then it will take decades before flexibility can be implemented with respect to even a substantial minority of Commission licensees.

The “linkage” among these pending items is nothing more than a manufactured roadblock to progress erected by the Terrestrial Wireless Incumbents in a last ditch effort to keep ICO and other MSS operators from building a viable MSS business – an attempt that is frankly mystifying in light of the many obvious reasons (both technical and economic) why this flexibility could never be used to build just another urban PCS network. What is important, however, is that the Commission does not reward such tactics.

ICO again asks the Commission to grant ATC authority to MSS licensees as soon as possible.

Respectively,

/s/ Lawrence H. Williams

Lawrence H. Williams  
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## CERTIFICATE OF SERVICE

I, Lawrence H. Williams, do hereby certify that I have on this 24th day of June 2002, had copies of the foregoing **LETTER** delivered to the following via electronic and U.S. first class mail:

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