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September 10, 2002

Via Electronic Filing

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

Re: *Ex Parte* Presentation
IB Docket No. 01-185 et al.
ET Docket No. 00-258 et al.

Dear Ms. Dortch:

On September 10, 2002 the undersigned counsel for TMI Communications and Company Limited Partnership (TMI) and Wharton B. Rivers, Jr., CEO of TerreStar Networks, Inc. (TerreStar), met with Paul Margie, Legal Advisor to Commissioner Michael Copps, to review the status of the above referenced dockets.

TMI and TerreStar also advised Mr. Margie that the public interest in competitive mobile communications is best served by granting Mobile Satellite Service (MSS) providers in the 2 GHz band flexibility to construct and operate an Ancillary Terrestrial Component. In that regard, the parties noted that, since 2000, the Commission had twice affirmed the merits of the MSS allocation (first when the 2 GHz MSS service rules were adopted and then in July 2001 when MSS licenses were issued). Moreover, as TMI stated in its Reply Comments in ET Docket No. 00-258, no credible demand showing has been submitted to warrant the reallocation of any 2 GHz MSS for third generation (3G) mobile services. A copy of the aforementioned comments, which are already a matter of public record, was provided to Mr. Margie.

In addition, the parties stated that, based upon their preliminary analysis of the FCC's spectrum allocation and licensing plan for 3G services, more than 170 MHz of spectrum was now likely to be made available by the 2006-2008 time frame (including 78 MHz from the 700 MHz bands and 90 MHz from the 1.7 GHz and 2.1 GHz bands). As such, the parties said that it was premature, at best, for the Commission to seek additional spectrum from the MSS band for terrestrial mobile services. In any case, the parties stated that, consistent with the recent Auction Reform Act of 2002, it would be arbitrary and capricious for the FCC to reallocate and auction any MSS spectrum without carefully considering: (1) all prior or planned assignments and allocations of spectrum for advanced mobile communications services and (2) whether in

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light of the foregoing, any additional allocation and auction for 3G services was in the public interest.

Any question regarding this *ex parte* notice should be directed to the undersigned.

Very truly yours,

Gregory C. Staple /s/

cc: Paul Margie