

# ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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September 13, 2002

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**Via Hand Delivery**

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Mobile Satellite Ventures Subsidiary LLC ("MSV")  
Ex Parte Presentation  
IB Docket No. 01-185; File No. SAT-ASG-20010302-00017 et al.**

Dear Ms. Dortch:

On September 11, 2002, Carson Agnew, President and Chief Operating Officer, and Lon Levin, Vice President and Regulatory Counsel, of Mobile Satellite Ventures Subsidiary LLC ("MSV"), along with Bruce Jacobs of Shaw Pittman LLP, counsel to MSV, met with Sam Feder, Legal Advisor to Commissioner Martin. MSV discussed the reasons why any proposal that requires MSV to participate in an auction for a license to operate its next-generation L-band satellite system would be a poor policy and would unnecessarily penalize MSV and its customer base. MSV emphasized that:

- licensees should be encouraged to replace their existing systems with more efficient systems without threat of losing their licenses and their businesses;
- MSV's licensed spectrum (the MSS L-band) must continue to be used for satellite service, so any auction of the spectrum will not serve the goal of letting the market decide whether the spectrum's highest and best use is for satellite or terrestrial service;
- MSV needs to begin construction of a replacement satellite and cannot wait through the time it will take for the process necessary to consider and conduct an auction;
- if MSV loses an auction, tens of thousands of existing customers and resellers (some of which hold their own FCC licenses) will be displaced;
- the ORBIT Act precludes the use of an auction of the license for a regional satellite system such as MSV's.

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Please direct any questions regarding this matter to the undersigned.

Very truly yours,



David S. Konczal

cc: Sam Feder