

VINSON & ELKINS L.L.P.  
THE WILLARD OFFICE BUILDING  
1455 PENNSYLVANIA AVE., N.W.  
WASHINGTON, D.C. 20004-1008  
TELEPHONE (202) 639-6500  
FAX (202) 639-6604  
www.velaw.com

**Gregory C. Staple**  
Direct Dial (202) 639-6744  
Direct Fax (202) 639-6604  
gstaple@velaw.com

October 7, 2002

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

Re: *Ex Parte* Presentation  
IB Docket No. 01-185

Dear Ms. Dortch:

On October 7, 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 Sam Feder, Acting Legal Advisor to Commissioner Kevin Martin, to review the status of the above-referenced docket.

TMI and TerreStar also explained why the public interest would be best served by granting existing 2 GHz MSS licenses spectrum flexibility: it will promote market-driven use of the available spectrum while preserving the FCC's option to reallocate and auction spectrum that is forfeited by licensees which do not meet applicable construction milestones. In addition, the parties provided Mr. Feder with eleven pages of briefing materials which amplify the foregoing points and also demonstrate that, in view of the estimated spectrum likely to be available for 3G services, it would be irrational for the FCC to propose the reallocation of additional 2 GHz spectrum now assigned to MSS systems. A copy of these materials is attached.

TMI also provided Mr. Feder with a copy of the "Reply Comments" in ET Docket No. 00-250 *et al.* which are already a matter of public record.

Please direct any questions regarding this *ex parte* notice matter to the undersigned.

Very truly yours,

Gregory C. Staple

cc: Sam Feder  
Evan Kuerel