

ORIGINAL



EX PARTE OR LATER

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October 15, 2002

RECEIVED

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L Band, and the 1.6/2.4 GHz Band. IB Docket No. 01-185. Amendment of Section 2.106 of the FCC's Rules To Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service, ET Docket No. 95-18 **EX PARTE**

Dear Ms. Dortch:

On Friday, October 11, 2002, Brian Fontes and Ben Almond, both of Cingular Wireless met with Evan Kwerel, Senior Economist of the Office of Plans and Policy, Federal Communications Commission. The discussion centered on the joint comments submitted by Cingular Wireless and Verizon Wireless in conjunction with the above referenced proceeding. In sum, it is contrary to Section 309(j) to award terrestrial service rights to MSS licensees other than through auctions, and nothing in the ORBIT Act undermines this position. In addition, the Commission must resolve the threshold question of whether the original 70 MHz of spectrum allocated to 2 GHz MSS remains justified where the factual predicate for the allocation has been undermined by the applicants' admissions that MSS is not viable.

Please associate this notification with the docket proceedings

If there are any questions concerning this matter, please contact the undersigned.

Sincerely,

Ben G. Almond
Vice President-Federal Regulatory Affairs

Cc: Evan Kwerel

Ben G. Almond
Vice President
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