

March 6, 2003

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

Re: *IB Docket No. 01-185*

Dear Ms. Dortch,

On March 5, 2003, Adam D. Krinsky and the undersigned, on behalf of AT&T Wireless Services, Inc., Cingular Wireless LLC, and Verizon Wireless (“the Carriers”), met with Bryan Tramont, Senior Legal Advisor to Chairman Michael K. Powell. During the meeting, the Carriers addressed the Ancillary Terrestrial Component (“ATC”) authorization process identified in the Report and Order recently issued in the above-referenced docket. *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 Bands*, Report and Order, FCC 03-15 (rel. Feb. 10, 2003). In particular, they discussed the Commission’s decision to place significant emphasis on gating criteria as part of the ATC authorization process. They noted that in certain places the decision contains conflicting language regarding the timing and grant of any request for ATC authority. The Carriers requested that the Commission issue an erratum to eliminate these discrepancies so that the decision states consistently that the Commission will consider and grant ATC authority only after an MSS licensee has met the gating requirements. They provided the attachment, which contains suggested revisions to address the inconsistencies in the decision.

Please contact the undersigned if you have any questions.

Sincerely,

/s/ Kathryn A. Zachem
Kathryn A. Zachem

Attachment

cc: Bryan Tramont
John Branscome
Richard Engelman
Blaise Scinto
Catherine Seidel
Jennifer Tomchin

**Proposed Revisions to MSS Flexibility Report and Order:
ATC Authorization**

A. Proposed Revisions

(1) Paragraph 3, last sentence:

~~“For planned, licensed MSS systems, MSS licensees may seek~~ **obtain** ATC authorization **once they have met** prior to launch and operation, but shall not provide ATCs prior to meeting the above criteria, and must have **and** complied with **all the** MSS implementation milestones ~~imposed on licensees at the time of seeking authority.”~~

(2) Paragraph 72, last sentence:

~~“Upon licensing, failure of an MSS ATC licensee to meet~~ **remain in compliance with** any of these requirements will result in enforcement action with penalties up to and including loss of ATC and MSS operating authority as well as the imposition of a monetary forfeiture.”

(3) Paragraph 86, last sentence:

~~“Therefore, authorizations to provide MSS ATC shall be conditioned~~ **granted only** upon the commercial availability of MSS in accordance with the requirements of this Order prior to or at the same time ATC operations are initiated.”

(4) Paragraph 240, second sentence:

~~“Blanket ATC base station authorization shall be conditioned~~ **granted** upon the MSS licensees’ satisfaction of the requirements of this Order in providing ATC and the rules adopted herein.”

(5) Paragraph 245, third sentence:

~~“The application for ATC authority will be addressed either in conjunction with an application for Title III earth station authorization, or if such an authorization has already been granted, it may be filed as a minor modification to the earth station authorization under the same procedures described above for modification of U.S.-based MSS licensees’ authorization.~~

(6) Paragraph 250, beginning with third sentence:

~~“Therefore, after an ATC authorization has been issued, at the MSS licensee’s own risk and subject to the conditions specified in this Order, we will permit construction of ATC facilities after physical construction has begun on the MSS~~

system's satellites, but prior to commencement of the provision of MSS services. For similar reasons, consistent with the rules and procedures adopted in this Order, we authorize MSS satellite operators to test ATC prior to commercial operation of their MSS systems. Specifically, during the process of constructing ATC facilities, the MSS operator, ~~having obtained ATC authorization as described above~~ may, without further authority from the Commission, conduct equipment tests for the purpose of making such adjustments and measurements as may be necessary to assure compliance with the terms of ~~its ATC authorization~~, **the technical provisions of the applications specified in this Order**, the rules and regulations and the applicable engineering standards.”

(7) § 25.143 Licensing provisions for the 1.6/2.4 GHz mobile-satellite service and the 2 GHz mobile-satellite service.

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(j) Pre-Operational Testing.

“An MSS ~~ATC~~ licensee may, without further authority from the Commission, conduct equipment tests for the purpose of making such adjustments and measurements as may be necessary to assure compliance with the terms of the technical provisions of its MSS license, ~~its ATC authorization~~ **operation requirements**, the rules and regulations in this Part and the applicable engineering standards. An MSS licensee may not offer ATC service to the public for compensation during pre-operational testing. In order to operate any ATC base stations, such a licensee must meet all the requirements set forth in § 25.147 and must have been granted ATC authority through a modification of its space station license.”

B. Additional Suggestions

(1) Paragraph 75, last sentence:

“We incorporate into Part 25 of our rules the specific geographic coverage requirements applicable to each type MSS system under consideration in this Order as a prerequisite for the ~~provision~~ **authorization** of ATC.”

(2) Paragraph 85, last sentence:

“We require MSS to be commercially available in accordance with the coverage requirements that pertain to each band as a ~~prerequisite to an MSS licensee's offering ATC service.~~ **prior to or at the same time ATC operations are initiated.**”

(3) § 25.117 Modification of station license.

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(f) An application for modification of a space station license to add an ancillary terrestrial component to an eligible satellite network will be **considered** ~~treated as a request for a minor modification~~ if the particulars of operations provided by the applicant comply with the criteria specified in § 25.147 **and, in that case, will be treated as a request for minor modification.**”

C. Integrated Services Proposal

(1) Paragraph 88, third sentence:

“We encourage MSS operators to submit integrated service showings as early as possible to allow full evaluation without compromising the timing of ATC deployment. **Toward this end, MSS operators may, prior to satisfying the preconditions for seeking ATC authority, petition the Commission for a declaratory ruling that a proposed integrated service offering complies with Commission requirements. Favorable Commission action on such petition could be used by the MSS operator to demonstrate satisfaction of the integrated service requirement if the operator subsequently applies for ATC authority.**”