(202) 626-6615

May 14, 2002

VIA ELECTRONIC FILING

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

Re: The Boeing Company
Notice of Permitted Oral Ex Parte Communication
IB Docket No. 01-185

Dear Ms. Dortch:

On May 13, 2003, representatives of The Boeing Company ("Boeing") met with Bryan Tramont, Senior Legal Advisor to Chairman Michael Powell and Trey Hanbury, International Bureau. In attendance for The Boeing Company was Thomas Walsh, Manager, Spectrum Planning & Regulation, along with the undersigned.

The meeting was held to discuss procedural issues involving the Commission's order in the above referenced proceeding. The points made during the meeting are summarized fully in the attached Talking Points, which were distributed and discussed during the meeting.

Thank you for your attention to this matter. If you have any questions about this letter, please contact the undersigned.

Sincerely,

Bruce Olcott
Counsel for The Boeing Company

Enabling Mobile-Satellite Service Licensees
To Provide Ancillary Terrestrial Service

- The Commission concluded that granting MSS licensees the ability to use ATC to provide more and better services with the same amount of spectrum would improve spectrum efficiency and could provide more valuable services to consumers. ¶ 20.
  - MSS ATC could enhance competition in important markets, including the maritime, aeronautical, commercial-transportation and public-safety markets that rely on MSS for service particularly in remote and underserved locations. ¶ 23.
  - MSS ATC would improve coverage in urban areas, expanding the customer base for MSS and potentially reducing the cost of handsets and MSS services. ¶ 24.
  - MSS ATC could also "improve the nation's overall ability to maintain critical telecommunications infrastructure in times of crisis or disaster." ¶ 29.
- In order to protect competition, the Commission adopted gating requirements. MSS licensees seeking to provide ATC must ensure that:
  - they launch and operate their own satellites pursuant to their milestones,
  - they provide substantial satellite service to the public,
  - they provide integrated ATC,
  - they observe satellite geographic coverage requirements, and
  - they limit ATC operations only to the authorized satellite footprint. ¶¶ 3, 66.
- The Commission also created a clear regulatory path for MSS licensees seeking ATC authority.
  - The Commission concluded that MSS licensees "may seek ATC authorization prior to launch and operation, but shall not provide ATCs prior to meeting the above criteria, and must have complied with MSS implementation milestones imposed on licensees at the time of seeking authority." ¶ 3.
  - The Commission also "encourage[d] MSS operators to submit integrated service showings as early as possible to allow full evaluation without compromising the timing of ATC deployment." ¶ 88.
- Opponents of MSS and ATC are therefore incorrect in claiming that the Commission's decision "contains conflicting language regarding the timing and grant of any request for ATC authority." (AT&T Wireless, et al., March 6, 2003).
- The Commission should refrain from forcing MSS licensees to satisfy ATC gating requirements before the Commission considers and grants ATC applications.
  - Such a requirement would be economically infeasible, forcing MSS licensees to make substantial infrastructure investments with no assurance of licensing.
  - Furthermore, some of the gating requirements, such as Coverage Continuity, are ongoing requirements, which would be difficult to satisfy on a date certain.