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June 20, 2003

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

RE: ET Docket No. 00-258/IB Docket No. 99-81 Ex Parte Notice

Dear Ms. Dortch:

On June 19, 2003, Richard DalBello, Executive Director of the Satellite Industry Association ("SIA"), accompanied by representatives of SIA members ICO Global Communications (Holdings) Limited (Larry Williams and Suzanne Hutchings), Globalstar, L.P. (William D. Wallace) and The Boeing Company (Bruce Olcott of Squire Sanders & Dempsey, LLP, and Frank Weaver of Boeing), participated in a meeting with Jennifer Manner, Senior Counsel to Commissioner Abernathy, regarding SIA's Petition for Reconsideration filed in the above-referenced dockets. The enclosed handout summarizes the issues for discussion of SIA's Petition for Reconsideration.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this letter and the enclosure are being filed electronically over the Commission's Electronic Comment Filing System.

Respectfully submitted,

William D. Wallace

Enclosure

THE IMPORTANCE OF GLOBALLY-HARMONIZED SPECTRUM FOR SATELLITE SERVICES

SATELLITE INDUSTRY ASSOCIATION

Harmonized International Spectrum Is Critical to International Satellite Services

- **A primary strength and benefit of satellite services is their ability to serve international markets.**
  - **Non-geostationary satellites are inherently global. *(cost independent of location)*.**
- **Satellite systems must coordinate spectrum usage with all affected countries through the ITU and must obtain separate authorizations in each country they wish to serve.**

Harmonized International Spectrum Is Critical to International Satellite Services, cont.

- **Satellite systems must have access to sufficient spectrum designated for satellite services facilitates licensing and coordination procedures.**
- **Constructing systems to provide service in non-international spectrum dramatically increases the cost and complexity of satellite and user-terminal design.**
- **Realizing user-equipment and service economies of scale are dependent upon access to harmonized spectrum.**

The FCC reallocates 2 GHz MSS spectrum for terrestrial use

- **In ET Docket No. 00-258, the FCC eliminated for use by satellite 50% (1990-2000 MHz) of the remaining international 2 GHz MSS allocation (1980-2010 MHz) by allocating it for terrestrial services.**
  - **10 MHz (1980-1990 MHz) was previously reallocated to PCS in 1994.**
- **Only 10 MHz (2000-2010 MHz) of the international 2 GHz MSS uplink remains available in the U.S.**

SIA's Petition for Reconsideration

- **FCC did not justify adequately departure from long-standing policy on promoting use of globally-harmonized spectrum**
- **Concerns of interference into PCS not adequately established.**
  - **MSS uplink allocation has been adjacent to PCS since 1995 PCS decision.**
- **Retention of 1990-2000 MHz for MSS serves the public interest**

A Vital Resource

- **Chairman Powell: "Globally-harmonized spectrum is a vital resource"**
- **FCC has repeatedly acknowledged the importance of access to globally-harmonized spectrum for satellite and other services**
- **SPTF points to "significant advantages both in terms of truly ubiquitous services and economies of scale"**

A Vital Resource (cont'd)

- **FCC has recognized 2 GHz MSS is inherently international and global**
- **Lack of global spectrum:**
  - **raises costs in design and construction, and**
  - **makes international coordination more difficult**
- **Reversal of prior United States WRC positions**
- **All 2 GHz MSS systems planned to serve subscribers <u>in and</u> outside of the United States**

Reallocation Harms MSS without Substantial Benefit to PCS

- **FCC reasoned that 1990-2000 MHz would benefit new PCS providers; however:**
  - **The FCC has not even decided what use is appropriate for the 1990-2000 MHz band**
  - **None of the PCS operators supported a PCS allocation in 1995-2000 MHz**
- **New PCS providers can utilize 2010-2025 MHz just as easily as 1990-2000/2020-2025 MHz**

Claims of interference into PCS have not been adequately evaluated

- **Potential for interference into PCS from MSS-ATC has not been sufficiently documented**
- **FCC conceded that PCS sponsored analyses were overly restrictive in terms of need for OOB limits and frequency separation**
- **FCC did not evaluate Nextel's analysis which conflicted with CTIA's analysis**

Options for Resolution to any Interference into PCS

- **If interference is an issue, other techniques besides frequency separation can protect PCS**
  - **Out-of-band emissions limits**
  - **Restrictions on frequencies within MSS band used for ATC**

The FCC Should Grant SIA's Petition for Reconsideration

- **Before making a reallocation decision, the FCC should reconcile conflicting analyses of interference issues.**
- **The FCC should give MSS a meaningful opportunity to develop in the marketplace**
- **The FCC should promote U.S. credibility and consistency in international fora**