Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
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 Bands	)	IB Docket No. 01-185
	)	
Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands	)	IB Docket No. 02-364

REQUEST FOR EXTENSION OF TIME

Pursuant to Section 1.46 of the Commission's Rules (47 C.F.R. § 1.46), ICO Global Communications (Holdings) Limited ("ICO") supports Globalstar L.P.'s ("Globalstar's") June 30, 2003 request for a two-month extension of the current dates for filing comments and reply comments in the Notice of Proposed Rulemaking in IB Docket No. 02-364.[1] The new filing dates would be September 8, 2003 for comments and September 29, 2003 for reply comments.

As noted in Globalstar's request, ICO has obtained the approval of the U.S. Bankruptcy Court for the District of Delaware to purchase the assets of Globalstar

[1] *See* 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 Bands, *Report and Order and Notice of Proposed Rulemaking*, FCC 03-15 (rel. Feb. 10, 2003), published at 68 Fed. Reg. 33666 (June 5, 2003) ("NPRM").

and has filed applications with the FCC for approval of the transaction.[2] Comments on the Applications are due on July 14 and responses are due on July 24.

ICO agrees with Globalstar that two intervening events, the Commission's cancellation of Globalstar's 2 GHz license and ICO's purchase of Globalstar's assets, both of which occurred after the Commission issued the NPRM on February 10, 2003, have a significant impact on the issues raised in the NPRM and warrant an extension. Globalstar fully discussed the impact of the cancellation of its 2 GHz license on the NPRM, and ICO addresses only the effect of the Globalstar transaction on the NPRM in its supporting petition.

In the subject NPRM, the Commission seeks to determine whether to revise the nine-year old Big LEO band plan and assign more or less L-band spectrum to each of the remaining Big LEO MSS systems, Globalstar and Iridium, or whether some Big LEO spectrum should be reallocated to another service. The amount of spectrum to which the respective Iridium and Globalstar systems have access for the long term is a critical factor in determining their ultimate success in the marketplace.

On April 25, 2003, the U.S. Bankruptcy Court for the District of Delaware approved an investment transaction pursuant to which Globalstar's assets will be transferred to New Globalstar Corporation, a Delaware company to be controlled by ICO ("New Globalstar"). Globalstar and New Globalstar filed applications for

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[2] *See* FCC Public Notice, *New Globalstar Corporation Seeks Consent to Assignment and Transfer of Control of Licenses and Authorizations Held by Globalstar, L.P.*

(continued...)

Commission approval of the proposed transfer/assignment of assets on May 27, 2003, as soon as possible following Bankruptcy Court approval of the transaction.

Contrary to Iridium's assertions in the Opposition, neither ICO nor Globalstar is "gaming" the process or trying to interpose unnecessary delays by seeking the requested extensions. Globalstar's future prospects could very well be determined by the outcome of the Big Leo band plan proceeding, and it is essential that ICO be allowed full participation in the proceeding. ICO, of course, was aware of the pending NPRM when it sought to purchase the Globalstar assets. But ICO could not dictate the timing of the Bankruptcy Court approval of its bid for the Globalstar system, and neither ICO nor any other party can dictate or predict when the Commission will place a notice or application on public notice. Neither ICO nor any other interested party was on notice of the comment and reply comment period in the Big LEO band plan proceeding until the publication of the NPRM in the Federal Register on June 5, 2003.

As it turns out, the comment cycle for the Applications does not close until July 24, 2003. If the Applications are not challenged, however, there should be no reason for delay in the Commission's action on the Applications, and they could be approved easily within a 60 day period.

As Iridium acknowledges in its Opposition, the Big LEO band plan rulemaking "was intended to be conducted expeditiously and designed to serve the

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Subsidiaries and Affiliate, DA 03-1932 (rel. June 12, 2003) (*Applications*).

public interest."[3] There can be no dispute that a resolution of the Big LEO band plan that promotes the public interest must override considerations of expedition. A hasty decision based upon an incomplete record is doomed to failure. As the proposed new owner of the Globalstar system, ICO is vitally interested in the outcome of the NPRM and should have the opportunity to participate fully in the proceeding. At this juncture, however, ICO cannot participate meaningfully in the NPRM, and its interests--and the interests of New Globalstar--cannot be taken into account, until the applications for transfer/assignment of the Globalstar assets have been approved by the Commission.

Similarly, it would be imprudent for the Commission to take action that could affect the value of Globalstar's assets in bankruptcy, now that the Court is actively considering a plan for Globalstar's emergence from bankruptcy.

For the foregoing reasons, ICO urges the Commission to delay taking comments in the Big Leo band plan proceeding for a period of two months, in order to allow resolution of the Globalstar 2 GHz license cancellation and processing of the pending Applications. If the Commission does not allow this brief extension, the record will not accurately reflect the ultimate requirements of the Globalstar system, depriving the Commission of a fully considered decision in this proceeding.

ICO also supports Globalstar's request for an additional week (a total of three weeks) for filing reply comments. The Commission has asked for substantial

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[3] *See* Flexibility for Delivery for Communications By Mobile Satellite Service Providers in the 2GHz Band, the L-Band, and the 1.6/2.4 GHz Bands, *Opposition to Request*

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technical information in response to the NPRM. ICO assumes that Iridium will provide an in-depth response to the request for technical information, and a balanced and complete record will require the same for the Globalstar system. Additional time for filing reply comments is warranted for review and preparation of replies to address such technical information.

The requested extension will provide time for critical related issues to be resolved before comments are filed, thereby allowing all interested parties an opportunity to participate in the proceeding. The extension will, therefore, serve the public interest by improving the quality of the record before the Commission on the issues raised in the NPRM.

Accordingly, ICO requests that the Commission extend the comment and reply comment filing dates as set forth above, to September 8, 2003, and September 29, 2003, respectively.

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for Extension of Time by Iridium Satellite LLC at 5 (July 2, 2003).

CERTIFICATE OF SERVICE

I, Caitlin A. Coyle, do hereby certify that I have on this 2nd day of July, 2003, had copies of the foregoing **REQUEST FOR EXTENSION OF TIME** delivered to the following via email:

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