

LUKAS, NACE, GUTIERREZ & SACHS

CHARTERED  
1111 NINETEENTH STREET, N.W.  
SUITE 1200  
WASHINGTON, D.C. 20036  
(202) 857-3500

RUSSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ  
ELIZABETH R. SACHS  
GEORGE L. LYON, JR.  
JOEL R. KASWELL  
PAMELA L. GIST  
DAVID A. LAFURIA  
MARILYN SUCHECKI MENSE  
B. LYNN F. RATNAVALE  
TODD SLAMOWITZ  
DAVID M. BRIGLIA  
ALLISON M. JONES  
STEVEN M. CHERNOFF

\* NOT ADMITTED IN D.C.

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CONSULTING ENGINEERS  
ALI KUZEKANI  
LEROY A. ADAM  
LEILA REZANAVAZ

OF COUNSEL  
JOHN J. MCAVOY  
J.K. HAGE III<sup>+</sup>  
LEONARD S. KOLSKY<sup>+</sup>

TELECOPIER  
(202) 857-5747

<http://www.fcclaw.com>

WRITER'S DIRECT DIAL

(202) 828-9470  
[tgutierrez@fcclaw.com](mailto:tgutierrez@fcclaw.com)

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Docket WT 02-55  
Ex Parte Presentation

Dear Ms. Dortch:

On June 18, 2004, the undersigned met with Michael Wilhelm and Brian Marengo, both of the Wireless Telecommunications Bureau, to discuss the referenced matter. During the meeting the general subjects set forth on the attachment hereto were discussed.

In addition, the participants discussed whether Motient could accept a re-banding approach that would provide Motient only with the option of moving to the 861-862 MHz band. For a number of reasons, that would not be an acceptable option for Motient. First, as we understand the latest twists in the re-banding proposals presented to the Commission, this band is intended to create additional capacity for public safety users. Motient believes that it should be afforded an opportunity to operate in a band with other commercial carriers rather than try to co-exist with public safety and other private internal licensees. In addition, Motient is concerned that relocation to spectrum other than the band in which Nextel proposes to operate, such as the 861-862 MHz spectrum under consideration, may limit equipment opportunities that otherwise might be available above 862 MHz. Third, although Motient already experiences interference from Nextel, Motient is not persuaded that the limited interference protection it would receive in the 861-862 MHz band outweighs the concerns noted above. Thus, Motient continues to believe that its business needs and options can be best served by it having the option to relocate into the same band that Nextel will occupy.

Pursuant to 47 C.F.R. § 1.1206(b)(2), an original and one copy of this letter are being provided to you for inclusion in the public record in the above-referenced proceeding.



# **MOTIENT – REQUEST REGARDING THE FCC’S REBANDING PROCEEDING**

- I. **Motient is a long term FCC licensee in the 800 MHz Band, holding both geographic area and site-specific licenses.**
- II. **Motient is causing no interference and, other things being equal, would have no need to relocate its systems.**
- III. **Motient takes no position vis a vis the relocation, at 800 MHz and 1900 MHz, of Nextel facilities that are arguably contributing interference to Public Safety.**
- IV. **Motient’s concern is that, unless it is included in the relocation currently contemplated, it will be severely disadvantaged by effectively being stranded while other carriers are relocated to upper 800 MHz spectrum.**
- V. **Rebanding, without including Motient in the process, would constitute a wholesale change in the rules in effect when Motient was licensed.**
- VI. **Among other things, it would reduce the ability of Motient to provide cellularized service, possibly in combination with others.**
- VII. **If Motient is among a small group of licensees stranded in the lower 800 MHz band, its options vis a vis equipment providers would be inappropriately limited.**
- VIII. **The expense associated with relocation of Motient spectrum should be handled in the same manner as relocation of all other non-Nextel spectrum.**
- IX. **To the extent that parties who are being relocated have an opportunity to select specific spectrum within the 800 MHz band, so too should Motient.**
- X. **If all licensees in the lower 800 MHz band cannot be relocated, the dividing line should be between commercial entities and non-commercial ones. There is no distinction between EA and site-specific licenses that is “relevant to the purposes of the Communications Act”, and therefore an appropriate basis for disparate treatment.**