

**LUKAS, NACE, GUTIERREZ & SACHS**  
**CHARTERED**

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September 16, 2004

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 September 16, 2004 Mr. Gerald Kittner, Ms. Amy Mehlman and I, representing Motient Corporation, met Commissioner Martin and Mr. Sam Feder and addressed matters set forth in the enclosed outline.

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.

Sincerely,

Filed Electronically  
Thomas Gutierrez

Attachment

cc. S. Feder

# **MOTIENT CORPORATION**

## Meeting with Commissioner Martin's Office

- I. **Introductory Remarks**
- II. **Motient is a Long Term Licensee With a History of Serving the Public**
  - A. *Revenues*
  - B. *Subscribers*
- III. **The Re-Banding Order is Less Than Clear Regarding Motient's Rights to Move to the Upper 800 MHz Band**
- IV. **Were Motient Not Entitled to Relocate, it Would be the Only Nationwide Commercial Carrier That Was Denied That Right**
- V. **Motient's Moving to the Upper Band Would Neither Create Congestion Nor Interference**
  - A. *Existing ambiguity was not based on concerns regarding interference.*
  - B. *Motient has only one or two channels in all but the largest markets, no more than six channels in large markets other than New York City and only 11 channels in New York City.*
  - C. *This is a very small fraction of the available Upper 800 MHz Spectrum.*
- VI. **The Commission Should Clarify That Motient Has the Right to Relocate**
- VII. **Concluding Comments**