

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

FACSIMILE

(202) 955-9792

DIRECT LINE
(202) 955-9771
(202) 955-9606

E-MAIL:
apisciotta@kelleydrye.com
rsifers@kelleydrye.com

NEW YORK, NY

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

HONG KONG

AFFILIATE OFFICES

BANGKOK, THAILAND

JAKARTA, INDONESIA

MANILA, THE PHILIPPINES

MUMBAI, INDIA

TOKYO, JAPAN

April 12, 2000

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: *Ex Parte* Notice: Meeting of Final Analysis Communication Services, Inc.
with Office of General Counsel (Application for Clarification and Review of
Non-Voice, Non-Geostationary Mobile Satellite Service ("NVNG MSS")
License, 12 FCC Rcd 6618 (1998), File No. 7-SAT-AMEND-98)**

Dear Ms. Salas:

This letter provides notice, pursuant to Section 1.1206(b)(4) of the Commission's rules, together with a summary of the April 11, 2000 *ex parte* meeting with Joel Kaufman and Daniel Harrold from the Office of General Counsel and other parties to discuss Final Analysis's concern regarding the decision-making procedure recently proposed by the International Bureau to resolve pending Non-Voice Non-Geostationary MSS ("NVNG MSS" or "Little LEO") matters, including the above-captioned proceeding.

Attending from Final Analysis Communication Services, Inc. ("Final Analysis") were Nader Modanlo, Chairman and President, and Jan Friis, Government Relations. Also attending the meeting from Kelley Drye & Warren, were Aileen A. Pisciotta and Randall W. Sifers, counsel to Final Analysis. Attending from the International Bureau was Mark Young. Also in attendance were Stephen Goodman, counsel to ORBCOMM; Joseph Godles, counsel to Volunteers in Technical Assistance ("VITA"); and Robert A. Mazer and Albert Shuldiner, counsel to Leo One Worldwide, Inc. E-SAT, Inc. was notified of the meeting but did not send a representative to attend.

Magalie Roman Salas, Secretary
April 12, 2000
Page Two

Summary of Meeting

Final Analysis explained that the International Bureau (the "Bureau") granted Final Analysis its license in 1998. Because there were mistakes in fact and lack of clarity concerning certain issues in the license, and because it appears that the Bureau applied to Final Analysis different standards than to others on comparable issues, on May 1, 1998 Final Analysis filed an application for clarification and review of the license order. Subsequently, an extensive record has been developed.

ORBCOMM and Leo One filed comments and an opposition, respectively, against Final Analysis's application for clarification and review in part on the basis of alleged potential increased interference issues. Recently, in a joint letter with Final Analysis, and without prejudice to its right to maintain an objection against all second round licensees under Section 25.142(a)(1) of the Commission's rules, ORBCOMM withdrew its objections to Final Analysis's proposed modifications.

To illustrate the application by the Bureau of different standards on the same issues, Final Analysis discussed the Bureau's handling of downlink power increases in the licenses. Issues of potential increased interference resulting from increased downlink power were resolved for the other second round licensees by requiring post-license coordination. In contrast, in the case of Final Analysis, rather than resolving the issue raised regarding potential increased interference through post-license coordination, its request to increase downlink power was denied on essentially the same facts.

Final Analysis expressed its appreciation for the Bureau's efforts and acknowledged that issues exist that are beyond the Bureau's control that limit the Bureau's ability to resolve the pending matters. Moreover, Final Analysis explained that the purpose for meeting with the Office of General Counsel was to get its help in resolving the issues, and not to be critical of the Bureau.

The Bureau recently informed the Little LEO licensees that, due to a lack of staff and resources, rather than address the matters contained in the significant record that has accumulated over the past two years to resolve the issues, it would require industry agreement or deny the pending applications. Final Analysis believes that application of the decision-making procedure proposed by the Bureau to Final Analysis's application for clarification and review deprives Final Analysis of its due process rights, denies other procedural rights, and violates provisions of the Commission's own rules.

Final Analysis acknowledged that the industry previously had come to agreement when it entered into the joint spectrum sharing plan that, in part, was relied upon by the Commission to accommodate all of the applicants in the Little LEO second processing round. However, Final Analysis made clear that the joint sharing plan was limited to spectrum sharing issues and did not

Magalie Roman Salas, Secretary
April 12, 2000
Page Three

address, and importantly, was not designed to address, the technical design or parameters of any party's NVNG MSS system. This is consistent with the long-standing Commission policy of leaving design decisions to system operators.

Final Analysis asserted that over the past two years the NVNG MSS industry has tried but failed to agree on a variety of issues, significantly because the Bureau has not clarified the basis on which its original licensing orders were made. Until the Bureau clarifies the apparent inconsistencies in the licensing orders and therein establishes a baseline from which the parties can begin negotiations, Final Analysis believes that industry agreement cannot be achieved.

Additionally, Final Analysis noted that certain parties who filed oppositions against other parties' pending applications do not have pending applications themselves. Accordingly, these parties have no incentive to reach agreement. Indeed, under the Bureau's proposal, such parties can cause pending modification requests to be denied simply by not acting. ORBCOMM expressed its support for this position at the meeting.

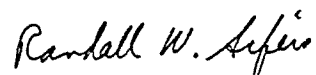
Final Analysis believes that as NVNG MSS operators begin deploying and operating their systems, they will need to continue to modify the characteristics of their systems to further optimize performance and efficiency in spectrum use. Until now, issues of potential increased interference arising from system modifications have been effectively and efficiently resolved through post-licensing coordination. However, under the Bureau's proposed procedure, there is no incentive to coordinate. In the absence of industry agreement, an application to modify a system that is opposed by a party making a claim of increased potential interference effectively will be denied without requiring the complaining party to demonstrate the potential for actual interference.

The Commission's rules provide that applications for review are to be acted upon by the Commission. Consequently, reliance on industry agreement to resolve Final Analysis's pending application is misplaced and contrary to the Commission's rules. Final Analysis believes that all of the pending applications can be equitably and expeditiously resolved if the Commission applies the necessary resources to an examination of the record and the achievement of a fair decision on the basis of existing standards.

Magalie Roman Salas, Secretary
April 12, 2000
Page Four

Pursuant to Section 1.1206(b)(2) of the Commission's rules, an original and one copy of this letter are submitted for inclusion in the record in the above-captioned proceeding. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



Aileen A. Pisciotta
Randall W. Sifers

Counsel to Final Analysis
Communication Services, Inc.

cc: Attached Service List

CERTIFICATE OF SERVICE

I, Aileen A. Pisciotta, hereby certify that a true and correct copy of the foregoing *Ex Parte Notice*, on behalf of Final Analysis Communication Services, Inc., was delivered by hand or regular mail this 12 day of April 2000, to the individuals on the following list:

Mr. Donald Abelson*
Chief, International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Chairman William E. Kennard*
Federal Communications Commission
Portals – Room A302
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Gloria Tristani*
Federal Communications Commission
Portals – Room C302
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Harold W. Furchtgott-Roth*
Federal Communications Commission
Portals – Room B201
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Susan Ness*
Federal Communications Commission
Portals – Room B115
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Michael K. Powell*
Federal Communications Commission
Portals – Room A204
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Ari Fitzgerald*
Federal Communications Commission
Room 8-B201N
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Mark Schneider*
Federal Communications Commission
Room 8-B115
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Bryan Tramont*
Federal Communications Commission
Room 8-A302B
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Peter A. Tenhula*
Federal Communications Commission
Room 8-A204F
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Adam Krinsky*
Federal Communications Commission
Room 8-C302
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Thomas Tycz, Chief*
Satellite and RadioCommunications Div.
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Harold Ng, Chief*
Satellite Engineering Branch
Satellite and RadioCommunication Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Ms. Cassandra Thomas*
Deputy Chief, International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Ms. Alexandra Field*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Mr. Alex Roytblat*
Satellite and RadioCommunication Div.
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

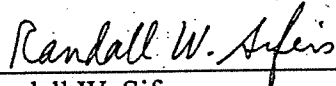
Mr. Mark Young*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Robert A. Mazer, Esq.
Vinson & Elkins
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-1008
Counsel for Leo One Worldwide, Inc.

Leslie Taylor, Esq.
Leslie Taylor Associates, Inc.
6800 Carlynn Court
Bethesda, MD 20817-4302
Counsel for E-Sat

Henry Goldberg, Esq.
Joseph Godles, Esq.
Mary Dent, Esq.
Goldberg, Godles, Wiener & Wright
1229 19th Street, N.W.
Washington, D.C. 20036

Steve Goodman, Esq.
Halprin, Temple, Goodman & Maher
555 12th Street, N.W.
Suite 950 North
Washington, DC 20004
Counsel for ORBCOMM



Randall W. Sifers

* Via Hand Delivery