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May 25, 2004

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-B204
Washington, D.C. 20554

MAY 25 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Oral Ex Parte Presentation in File Nos. SAT-AMD-19971222-00219, -20031104-00324, and -20040312-00030

Dear Ms. Dortch:

This letter provides notice that, on May 24, 2004, Peter J. Hadinger of Northrop Grumman Space & Mission Systems Corp. ("NGST"), along with Stephen D. Baruch and David S. Keir of Leventhal, Senter & Lerman P.L.L.C., met with Thomas Tycz, Fern Jarmulnek, Robert Nelson, Andrea Kelly, Karl Kensinger, Kal Krautkramer, Alyssa Roberts, Jay Whaley, and Shabnam Javid of the Commission's International Bureau to discuss matters pertaining to the International Bureau's May 18, 2004 letter (DA 04-1387, as corrected) dismissing, *inter alia*, NGST's above-referenced amendments to its applications for a hybrid Ka-band/V-band geostationary and non-geostationary orbit fixed-satellite service system. The application proceeding that included the above-referenced applications was long ago designated a permit-but-disclose proceeding for *ex parte* purposes.

The participants in the meeting discussed the particulars of the Bureau's May 18 letter. The discussion focused on the inapplicability to NGST's applications of several of the rule provisions relied upon in the letter, and whether the applications found defective were indeed defective under the applicable regulations. Following a clarification by the Commission participants that NGST's application was not found unacceptable for filing with respect to the materials provided on sharing between geostationary-orbit satellites and non-geostationary orbit systems in the 18.8-19.3 GHz and 28.6-29.1 GHz bands, the participants also discussed the types of technical showings that could be made by an applicant that sought to use the Ka-band non-GSO FSS primary spectrum for secondary GSO FSS applications under a waiver of the Commission's spectrum designation rules and policies.

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Finally, the participants discussed possible next steps with respect to the letter and the underlying applications. The Commission participants stated that they would further consider the issues raised during the discussion, and provide NGST's representatives with additional information and guidance within two days. NGST's representatives agreed to await the results of the further consideration before taking any formal action in response to the May 18 Letter.

Pursuant to the Commission's rules, two copies of this letter are provided for inclusion in the above-referenced application proceedings.

Please address any questions to the undersigned.

Respectfully yours,



Stephen D. Baruch
*Counsel for Northrop Grumman Space & Mission
Systems Corporation*

cc: Thomas Tycz
Fern Jarmulnek
Robert Nelson
Andrea Kelly
Karl Kensinger
Kal Krautkramer
Alyssa Roberts
Jay Whaley
Shabnam Javid