

December 19, 2003

VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: Application of The Boeing Company for Authority to Launch and Operate a Non-Geostationary Medium Earth Orbit Satellite System in the Fixed Satellite Service (Ku-band), File Nos. SAT-LOA-19990108-00006 and SAT-AMD-20020916-00168, Call Sign S2365
Notice of Withdrawal of Application

Dear Secretary Dortch:

The Boeing Company ("Boeing"), through its attorneys, hereby withdraws the above-referenced Ku-band NGSO FSS application.¹ As the Commission is aware, the financial markets are not willing to fund such a large multi-billion dollar global commercial satellite network at this time, neither is it advisable that the company undertake such a large global commitment on its own. Boeing has also determined that it is not feasible to implement its proposed Ku-band NGSO network on an incremental basis, such as region by region.

Boeing will instead focus its efforts and resources on other contributions to the global satellite industry. For example, Boeing is enjoying great success in deploying its Connexion by Boeingsm service. Connexion's business model has found new and innovative ways of using existing FSS satellites to provide broadband information and communications services to aircraft passengers and crew. The Connexion system serves a consumer market that has gone unserved by previous technologies. Boeing is also continuing to develop its 2 GHz Mobile-Satellite Service ("MSS") network, which is designed to provide seamless handheld communications and data services to consumers, initially in the United States. Moreover, Boeing continues to provide

¹ The withdrawal of this application renders moot the International Bureau's recent request for additional technical information regarding the spectrum sharing capabilities of Boeing's system. See Letter from Robert Nelson, Chief, Satellite Engineering Branch, Satellite Division, International Bureau, to Craig Holman, Office of the General Counsel, The Boeing Company (Dec. 9, 2003).

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manufacturing and launch services for numerous other commercial satellite networks in order to help deliver modern telecommunications services to consumers in the United States and abroad.

Boeing's decision not to proceed with its Ku-band NGSO FSS application does not diminish the tremendous work of the Commission's engineering and legal staff in the countless international and domestic working groups that resulted in consensus on technical rules that would permit NGSO FSS networks to operate on a shared basis in the Ku-band with incumbent spectrum users. The Commission also should be applauded for creating domestic service and licensing rules and policies enabling multiple NGSO FSS networks to operate on a shared basis in the Ku-band.

Boeing thanks the Commission and its staff for the time and effort devoted to developing a regulatory environment that accommodates NGSO FSS systems in the Ku-band. Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph P. Markoski". The signature is fluid and cursive, with the first name "Joseph" being the most prominent.

Joseph P. Markoski
Counsel for The Boeing Company

cc: Jennifer Gilsonan
Robert Nelson
Kal Krautkramer