



April 2, 2006

By Hand Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

Re: Application for Modification of Authority for Use of the 2 GHz
Bands to Provide Mobile Satellite Service (File Nos. SAT-MOD-
20050926-00182 & SAT-AMD-20050927-00186)

Dear Ms. Dortch:

ICO Satellite Services G.P. ("ICO") requests that the above-referenced application proceeding be designated as "permit-but-disclose" under the Commission's rules governing *ex parte* communications.¹

ICO filed the above-referenced modification application and minor amendment on September 26 and 27, 2005, respectively. The modification application included a waiver request to permit temporary use of C-band frequencies for in-transit and emergency telemetry, tracking, and command ("TT&C") operations. The modification application and minor amendment were placed on public notice on October 21 and December 7, 2005, respectively.² Long after the closing of the formal pleading cycle, Intelsat North America LLC ("Intelsat") untimely filed a letter on March 27, 2006, requesting denial of ICO's waiver request.³

¹ See 47 C.F.R. § 1.1200 *et seq.*

² See FCC Public Notice, *Policy Branch Information: Satellite Space Applications Accepted For Filing*, Rep. No. SAT-00325 (Oct. 21, 2005); FCC Public Notice, *Policy Branch Information: Satellite Space Applications Accepted For Filing*, Rep. No. SAT-00333 (Dec. 7, 2005).

³ See Letter from Jennifer D. Hindin, Counsel to Intelsat, to Marlene H. Dortch, Secretary, FCC, (Mar. 7, 2005).

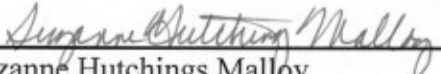
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For *ex parte* purposes, this modification application proceeding is a “restricted” proceeding under Section 1.1208.⁴ The Commission, however, has the authority to modify the *ex parte* status of a proceeding “[w]here the public interest so requires.”⁵ Grant of this request will serve the public interest by facilitating communications with Commission staff to address complex technical, legal, and policy issues raised in these proceedings. The Commission routinely has redesignated the *ex parte* status of a proceeding as “permit-but-disclose” where complex technical, legal, and policy issues are raised.⁶ In fact, the Commission previously granted a similar request by ICO to redesignate as “permit-but-disclose” a related application to modify its 2 GHz mobile satellite service to substitute a geostationary satellite orbit system for a nongeostationary satellite orbit system.⁷

Accordingly, ICO urges the Commission to grant this request expeditiously.

Very truly yours


Suzanne Hutchings Malloy

cc: Andrea Kelly

⁴ See 47 C.F.R. §§ 1.1206(a)(3), 1.1208.

⁵ See *id.* § 1.1200(a).

⁶ See, e.g., FCC Public Notice, *Int'l Bureau, Satellite Policy Branch Information: Ex Parte Status of Pending Loral Modification Applications*, 16 FCC Rcd 14774 (IB 2001); *Application of SkyBridge L.L.C.*, 13 FCC Rcd 11076 (IB 1998).

⁷ See *ICO Satellite Services G.P.*, 20 FCC Rcd 8246 (IB 2005).