

July 18, 2006

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Federal Communications Commission  
Office of Secretary

**Received**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, D.C. 20554

JUL 21 2006

Policy Branch  
International Bureau

Re: New ICO Satellite Services G.P.  
File No. SAT-MOD-20050110-00004, SAT-MOD-20050926-00182, SAT-AMD-  
20050927-00186, and SAT-AMD-20060505-00054  
Call Sign S2561

Dear Ms. Dortch:

Pursuant to Section 25.143(e)(3) of the Commission's rules,<sup>1</sup> New ICO Satellite Services G.P. ("ICO") submits the attached certification of completion of the milestone to "complete coordination of physical operations of the satellite, and file any modification applications necessitated thereby."<sup>2</sup> This certification is based upon ICO's completion of physical coordination of its satellite at the proposed orbital location of 92.85° W.L. As stated below, ICO has determined that its proposal to operate at 92.85° W.L., a 0.15° offset from 93° W.L., will avoid the need for further physical coordination with other satellites.

By way of background, ICO is authorized to operate a geostationary satellite orbit ("GSO") satellite at 91° W.L., but has pending before the Commission a modification application, as amended, to provide for satellite operation at 92.85° W.L. in lieu of 91° W.L. As initially filed on September 26, 2005, the modification application ("Application") proposed to provide for satellite operation at 93° W.L. in lieu of 91° W.L. In that Application, ICO concluded that it would be necessary to coordinate with Intelsat, one of whose satellites is located at 93° W.L., in order to mitigate the possibility of collision with the ICO satellite.<sup>3</sup>

<sup>1</sup> 47 C.F.R. § 25.143(e)(3).

<sup>2</sup> See *ICO Satellite Services, G.P.*, 20 FCC Rcd 9797, ¶¶ 32, 38 (IB 2005).

<sup>3</sup> See Application, IBFS File No. SAT-MOD-20050926-00182, at 18 (Sept. 26, 2005).

Marlene H. Dortch  
July 18, 2006  
Page Two

Subsequently, ICO conducted physical coordination discussions with Intelsat and determined that operation at a 0.15° offset from 93° W.L. (*i.e.*, at 92.85° W.L.) will avoid the need for further physical coordination with other satellites. Accordingly, on May 5, 2006, ICO filed an amendment (“Amendment”) to its modification application to provide for satellite operation at 92.85° W.L. in lieu of 93° W.L.<sup>4</sup>

As ICO stated in its Amendment, an offset of 0.15° between the nominal orbital positions of the Intelsat and ICO satellites is more than sufficient to ensure that no physical collision between the two satellites is possible.<sup>5</sup> Consequently, ICO believes that it has completed coordination of the physical operations of its satellite at the proposed 92.85° W.L. orbital location<sup>6</sup> and that it has filed the necessary modification applications.<sup>7</sup>

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<sup>4</sup> Intelsat filed a petition to deny the amendment, opposing ICO’s request to use C-band frequencies at 92.85° W.L., but it did not state a basis for opposing ICO’s request to use non-C-band frequencies at 92.85° W.L. or to the requested change from 93° W.L. to 92.85° W.L. for physical coordination purposes. *See* Intelsat Petition to Deny at 1, 4 (May 22, 2006).

<sup>5</sup> *See* ICO Amendment, IBFS File No. SAT-AMD-20060505-00054, at 2 (May 5, 2006).

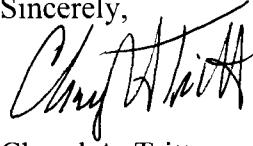
<sup>6</sup> ICO acknowledges that Commission confirmation of ICO’s milestone compliance does not constitute authorization to operate at the 92.85° W.L. orbital location requested in the pending Application, as amended. Any such authorization would be effective only upon grant of the Application.

<sup>7</sup> ICO’s completion of coordination of the physical operations of its satellite at the proposed 92.85° W.L. orbital location is sufficient for milestone purposes. *See The Boeing Company*, 18 FCC Rcd 12317, ¶ 28, n.56 (IB & OET 2003) (“That Boeing arranged for construction of the GSO satellite proposed in its license-modification application, rather than the NGSO satellites for which it had license authority as of the milestone deadline date, is not a material deficiency, given our favorable disposition of the application for modification....Had we denied the request for license modification, on the other hand, we could not have found that Boeing’s arrangements for construction of a GSO system satisfied the first milestone requirement.”). In the event that the Commission determines that ICO is required to complete coordination of the physical operations of its satellite at its currently authorized 91° W.L. orbital location, rather than at the proposed 92.85° W.L. orbital location, ICO requests a waiver or an extension of time to meet the milestone. The Commission may waive its rules upon a showing of “good cause.” *See* 47 C.F.R. § 1.3. Specifically, the Commission may waive a rule if the relief requested would not undermine the policy objective of the rule and otherwise would serve the public interest. *See WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972). Grant of a waiver would serve the public interest by simplifying ICO’s coordination efforts with other satellites and allowing

Marlene H. Dortch  
July 18, 2006  
Page Three

Please direct any questions regarding this matter to the undersigned.

Sincerely,



Cheryl A. Tritt

Attachment

cc: Cassandra Thomas  
Karl Kensinger  
Andrea Kelly

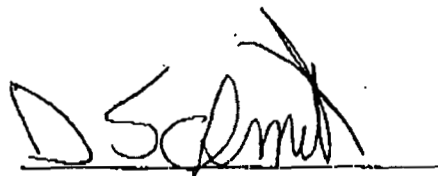
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ICO to implement its 2 GHz mobile satellite service system and provide service to the public in a timely manner.

**CERTIFICATION**

Pursuant to Section 25.143(e)(3) of the Commission's rules, I, Dennis Schmitt, certify under penalty of perjury that:

1. I am a Senior Vice President of ICO Global Communications (Holdings) Limited, the ultimate parent of New ICO Satellite Services G.P. ("ICO").
2. To the best of my knowledge, information, and belief, ICO has completed coordination of the physical operations of its satellite and has filed the modification applications necessitated thereby.



Dennis Schmitt

Date. July 17, 2006