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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Motient Services, Inc.)

and)

Mobile Satellite Ventures Subsidiary LLC)

Application for Assignment of Licenses and)

For Authority to Launch and Operate a)

Next-Generation Mobile Satellite Service)

System)

TMI Communications and Company,)

Limited Partnership)

Application for Modification and)

Assignment of Licenses to Operate Mobile)

Earth Terminals for Mobile Satellite)

Services)

Received

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Satellite Policy Branch
International Bureau

File No. SAT-ASG-20010302-00017 et. al

EX PARTE OR LATE FILED

File No. SES-ASG-20010116-00099 et. al

MOTION FOR MODIFICATION OF *EX PARTE* STATUS

Motient Services Inc. ("Motient"), Mobile Satellite Ventures Subsidiary LLC ("MSV Sub"), and TMI Communications and Company, Limited Partnership ("TMI") hereby request that the Commission modify the *ex parte* status of the above-captioned proceedings, pursuant to Sections 1.1200(a) and 1.1208 of the Commission's rules, from "restricted" to "permit-but-disclose." This modification would allow the parties more flexibility to make presentations to Commission staff within the constraints of the disclosure requirements contained in Section 1.1206 of the Commission's rules. 47 C.F.R. § 1.1206.

In the above-captioned applications, Motient and TMI request authority to assign their licenses relating to their mobile satellite service ("MSS") operations in the L-band to MSV Sub.

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Motient and TMI also request authority to modify these licenses to allow MSV Sub to operate with both MSAT-1, licensed by Canada, and AMSC-1, licensed by the United States. In Motient's application, Motient and MSV Sub also request authority to launch and operate a next-generation MSS system in the L-band which includes the use of fill-in terrestrial base stations.

Parties have filed either comments¹ on or petitions to deny² the applications, addressing a range of issues, including technical issues regarding the next-generation MSS system. The Commission's Rules provide that "[w]here the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice." 47 C.F.R. § 1.1200(a). The Commission has stated that modification of *ex parte* status is necessary in certain cases to "assist the Commission in developing a complete record on which a well-reasoned decision can be made."³

The public interest would be served here if the Commission were to establish these proceedings as "permit-but-disclose." Free exchange of views with Commission staff, particularly among Commission engineers and engineers for the parties to these proceedings, will be useful to create a more complete record on which the Commission may decide the issues

¹Comments of AT&T Wireless Services, Inc. (April 18, 2001) ("AT&T"); Comments of the Cellular Telecommunications and Internet Association (April 18, 2001) ("CTIA"); Opposition of Cingular Wireless LLC (April 18, 2001) ("Cingular"); Opposition of KITComm Satellite Communications Ltd. (April 18, 2001) ("KITComm"); Comments of New ICO Global Communications (Holdings) Ltd. (April 18, 2001); Reply Comments of SITA Information Networking Computing Canada, Inc. (April 30, 2001) ("SITA"); Opposition of Sprint Corporation (April 18, 2001) ("Sprint"); Opposition of Verizon Wireless (April 18, 2001) ("Verizon").

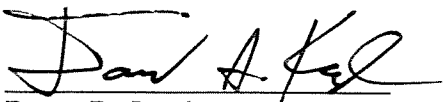
²Petition to Deny in Part of Aeronautical Radio, Inc. (April 18, 2001) ("ARINC"); Petition to Deny of Deere & Company (April 18, 2001) ("Deere"); Partial Petition to Deny of Inmarsat Ventures PLC (April 18, 2001).

³See Applications of SatCom Systems, Inc. and TMI Communications and Company, Limited Partnership, 13 FCC Rcd 16219 (Aug. 25, 1998).

raised. In addition, the Commission has recognized the benefit of relaxing its *ex parte* rules when considering applications for use of the L-band in the past and should follow the same course for the above-captioned applications.⁴

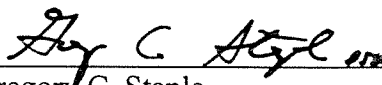
Accordingly, Motient, MSV Sub, and TMI respectfully request that the Commission establish the above-captioned proceedings as "permit-but-disclose" for purposes of the *ex parte* rules.

Respectfully submitted,



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⁴See Applications of SatCom Systems, Inc. and TMI Communications and Company, Limited Partnership, 13 FCC Rcd 16219 (Aug. 25, 1998).

CERTIFICATE OF SERVICE

I, Gera M. Christian, a secretary with the law firm of Shaw Pittman, hereby certify that on this 10th day of May 2001, served a true copy of the foregoing **"MOTION FOR MODIFICATION OF EX PARTE STATUS"** by first-class mail, postage prepaid or by hand delivery (as indicated) upon the following:

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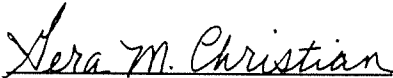
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