



Wiley Rein & Fielding LLP

1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
SUITE 6200
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wrf.com

Received

MAY 27 2003

Policy Branch
International Bureau

ORIGINAL

May 16, 2003

Tricia Paoletta
202.719.7532
tpaoletta@wrf.com

RECEIVED

MAY 20 2003

Received

MAY 27 2003

Policy Branch
International Bureau

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E., Suite 410
Washington, DC 20002

RECEIVED

MAY 16 2003

Re: Notice of Oral Ex Parte Presentations
Final Analysis Communication Services, Inc.
Petition for Waiver (filed Mar. 29, 2002);
File Nos. SAT-LOA-19941116-00088;
SAT-AMD-19950224-00033; SAT-AMD-19960223-00031;
SAT-AMD-19960819-00107; SAT-AMD-19971030-00175

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Dortch:

On Thursday, May 8, 2003 and Monday, May 12, 2003, representatives of New York Satellite Industries, LLC ("NYS"), and Final Analysis Communication Services, Inc. ("FACS") and their counsel, met with staff from the Federal Communications Commission ("FCC") to discuss the above-referenced Petition for Waiver.

Specifically, on Thursday, May 8, 2003, Nadar Modanlo of NYS, Jan Friis and Mary Kay Williams of FACS, Tricia Paoletta and Rodney Glover of Wiley Rein & Fielding, LLP, counsel to NYS, Glenn Manishin and Randy Sifers of Kelley Drye & Warren LLP, counsel to FACS, Amy Mehlman of Capitol Coalitions, Inc., consultant, met with the FCC International Bureau Chief Don Abelson, Deputy Chiefs Anna Gomez and Rod Porter, Assistant Chief Jackie Ruff, Satellite Division Chief Tom Tycz, Deputy Satellite Division Chief Cassandra Thomas, Special Adviser Karl Kensinger, Deputy Chief Strategic Analysis and Negotiations Division John Giusti, Bob Nelson, Mark Young and others from the Bureau staff. During this meeting, the participants discussed substantive issues contained in, and procedural issues with respect to, the FACS' Petition for Waiver. FACS also provided a progress update on development and construction of its satellite system, Agenda Item 1.16 of WRC 2003, and the status of review of FACS' Technical Assistance Agreement ("TAA") by the Office of Defense Trade Controls Licensing of the U.S. Department of State.

On Monday, May 12, 2003, Nader Modanlo of NYS, Jan Friis and Mary Kay Williams of FACS, Tricia Paoletta and Jennifer Hindin of Wiley Rein & Fielding, LLP, counsel to NYS, Glenn Manishin and Randy Sifers of Kelley Drye & Warren

May 16, 2003

Page 2

LLP, counsel to FACS, Amy Mehlman of Capitol Coalitions, Inc., met with Anna Gomez, Tom Tycz, John Giusti, Cassandra Thomas, Robert Nelson, Mark Young and Rod Porter of the FCC International Bureau. During that meeting, NYS and FACS reviewed facts pertaining to the involuntary Chapter 7 bankruptcy of FACS' parent company and prime satellite contractor and requested that the International Bureau refrain from releasing any action on the FACS Petition for Waiver pending further review of the written material filed by NYS and FACS on Monday, May 12, 2003. On Monday, May 12, 2003, Tricia Paoletta and Amy Mehlman discussed these issues with Bryan Tramont and Jennifer Manner.

On Tuesday, May 13, 2003, Jan Friis, Tricia Paoletta, Amy Mehlman and Randy Sifers discussed these issues with Barry Ohlson, senior legal advisor to Commissioner Adelstein.

Pursuant to Section 1.1206 of the FCC's rules,¹ an original and one copy of this letter is being filed. Please do not hesitate to contact me with any questions.

Sincerely,



Patricia J. Paoletta

cc: Anna M. Gomez

¹ Counsel to NYS is filing this ex parte notice at the request of the International Bureau out of an abundance of caution due to an ambiguity surrounding the procedural posture of the FACS Petition for Waiver, which, to date, has not been placed on public notice as accepted for filing.