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RECEIVED

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JAN 16 2004

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Received

JAN 20 2004

Policy Branch  
International Bureau

Re: Iridium 2GHz LLC Begin Physical Construction Milestone; File Nos.  
SAT-LOA-19970926-00147; SAT-AMD-20001103-00156; SAT-MOD-  
20030828-00286

187-SAT-P/LA-97

Dear Ms. Dortch:

Iridium 2GHz LLC ("Iridium"),<sup>1</sup> by its counsel and pursuant to Sections 25.117 and 25.143(e)(3) of the Commission's rules, 47 C.F.R. §§ 25.117, 25.143(e)(3), files this letter to notify the Commission that Iridium's pending modification application affects its ability to certify its compliance with the milestone requiring commencement of physical construction of all satellites for a non-geostationary satellite orbit ("NGSO") mobile satellite service ("MSS") system in the 2 GHz band by January 17, 2004. As noted in the modification application, Iridium proposes to comply with the July 17, 2004 begin physical construction milestone applicable to geostationary satellite orbit ("GSO") 2 GHz MSS systems.<sup>2</sup>

In 1997, Iridium's predecessor, Iridium LLC, filed an application to launch and operate a non-geostationary satellite orbit ("NGSO") constellation of 96 satellites as part of the Commission's first 2 GHz processing round.<sup>3</sup> On July 17, 2001, the FCC

<sup>1</sup> On May 29, 2003, Iridium Constellation LLC assigned its 2 GHz license to its wholly owned subsidiary Iridium 2GHz LLC. *Iridium 2GHz LLC*, File No. SAT-ASG-20030423-00073 (filed Apr. 23, 2003; granted May 7, 2003); Letter from Jennifer D. Hindin, Counsel to Iridium Constellation LLC and Iridium 2GHz LLC to Marlene H. Dortch, Secretary, FCC (dated May 30, 2003) (providing notice of the consummation of *pro forma* assignment).

<sup>2</sup> *Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band*, Report and Order, 15 FCC Rcd 16127, 16178-79 (2000) ("2 GHz MSS Order").

<sup>3</sup> Application of Iridium LLC, File No. SAT-LOA-19970926-00147 (filed Sept. 26, 1997) (as amended by SAT-AMD-20001103-00156).

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licensed the Iridium 2 GHz system as initially proposed, including the requirement that Iridium begin physical construction of all satellites by January 17, 2004.<sup>4</sup> Iridium acquired the license in February 2002, following the original licensee's bankruptcy.<sup>5</sup> Following extensive analysis of technological and market developments, Iridium became convinced that the deployment of a single GSO 2 GHz satellite would better serve the public interest than would deployment of the authorized NGSO satellite system. Thus, Iridium 2GHz LLC filed a modification application to substitute a geostationary satellite orbit ("GSO") MSS system for the NGSO MSS system specified in its 2 GHz authorization.<sup>6</sup>

Iridium's pending application seeks Commission authority to launch and bring into operation its proposed GSO MSS network in accordance with the milestones imposed on 2 GHz MSS licensees using GSO satellites. The FCC requires "both NGSO licensees and GSO licensees ... to meet the same milestone schedule, except for commencement of physical construction and launch."<sup>7</sup> More precisely, licensees have 3 years to begin construction of all GSO satellites but only 2 ½ years to begin construction of all NGSO satellites. As noted above, Iridium is committed to satisfying all milestones for its proposed modified system on time and its

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<sup>4</sup> *Application of Iridium LLC; Concerning Use of the 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile Satellite System*, Order and Authorization, 16 FCC Rcd 13778, 13785 (Int'l Bur. 2001).

<sup>5</sup> *Applications of Space Station System Licensee, Inc., Assignor, and Iridium Constellation LLC, Assignee, for Consent to Assignment of License Pursuant to Section 310(d) of the Communications Act, et al.*, Memorandum Opinion, Order and Authorization, 17 FCC Rcd 2271 (2002) ("Iridium Assignment Order").

<sup>6</sup> See *Application of Iridium 2GHz LLC*, File No. SAT-MOD-20030828-00286 ; (filed Aug. 28, 2003) ("*Modification Application*"). Iridium first attempted to file its modification application on June 6, 2003. *Application of Iridium 2GHz LLC*, File Nos. SAT-MOD-20030609-00103; SAT-WAV-20030609-00104 (filed June 6, 2003). Due to a freeze on satellite applications that sought new spectrum assignments, the Commission required Iridium to refile its modification application, which Iridium did once the freeze was lifted.

<sup>7</sup> *2GHz MSS Order*, 15 FCC Rcd at 16178-79.

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construction of the modified system will not result in any delay in operational status of its 2 GHz system.

Should the Commission determine that a waiver of the NGSO begin physical construction milestone is required, however, Iridium hereby respectfully requests such waiver pursuant to Section 1.3 of the Commission's rule. The public interest would be served by such a waiver for the same reasons set forth in Iridium's modification application and herein.<sup>8</sup>

If there are any questions regarding this matter, please contact the undersigned.

Sincerely,



Peter D. Shields  
Counsel for Iridium 2GHz LLC

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<sup>8</sup> *Modification Application at 6-20; see also Iridium 2GHz LLC Concerning Use of the 2000-2020/2180-2200 MHz Bands for a Mobile-Satellite System, Certification of Milestone Completion, File Nos. SAT-LOA-19970926-00147; SAT-AMD-20001103-00156; SAT-MOD-20030609-00103; SAT-WAV-20030609-00104, at 12-14 (filed July 17, 2003).*