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VIA HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals, 12th Street Lobby
445 12th St., SW, Counter TW-A325
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AUG 22 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **Ex Parte Presentation in File Nos. SAT-AMD-19971219-00199, SAT-AMD-19971222-00204, SAT-AMD-19971222-00216, SAT-AMD-19971222-00229, SAT-AMD-19980123-00009, SAT-LOA-19951109-00185, SAT-LOA-19951109-00186, SAT-LOA-19970702-00057, SAT-LOA-19971222-00201, SAT-LOA-19971222-00205, SAT-LOA-19971222-00206, SAT-LOA-19971222-00207, SAT-LOA-19971222-00208, SAT-LOA-19971222-00209, SAT-LOA-19971222-00211, SAT-LOA-19971222-00212, SAT-LOA-19971222-00213, SAT-LOA-19971222-00214, SAT-LOA-19971222-00215, SAT-LOA-19971222-00223, SAT-LOA-19971222-00224, SAT-LOA-19971222-00225, SAT-LOA-19971222-00226, SAT-LOA-19971222-00227, SAT-LOA-19971222-00228, SAT-LOA-19980312-00018, SAT-LOA-19980312-00019, SAT-LOA-19980403-00025, SAT-LOA-19980403-00026, SAT-LOA-19980403-00027, SAT-LOA-19980403-00028, SAT-LOA-19980403-00029, 94- through 98-SAT/P/LA-97, SAT-LOI-19971222-00217, and SAT-LOI-19971222-00218**

Dear Ms. Salas:

This *ex parte* submission is made on behalf of Celsat America, Inc. ("Celsat") in connection with its pending application in the second processing round of the Ka-band. See file no. SAT-AMD-19980123-00009. On August 11, 2000, Celsat – together with CAI Data Systems, Inc., TRW, Inc., Hughes Communications, Inc., Lockheed Martin Corporation, KaStarCom World Satellite, LLC, and Pacific Century Group, Inc. – submitted to the Commission a proposed orbital assignment plan for the second processing round of the Ka-band. The proposed orbital assignment plan was crafted in a strong spirit of compromise and includes numerous concessions by the companies that submitted the

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proposal, including Celsat. In this regard, Celsat indicated to the Commission in the August 11 submission its willingness to accept Ka-band orbital assignments at 83 W and 121 W.

By way of background, Celsat's Ka-band application requested 850 MHz of spectrum anywhere in the Ka-band uplink and 850 MHz of spectrum anywhere in the Ka-band downlink. Celsat made this broad request in an effort to be as flexible as possible for the benefit of the Commission and the other second round Ka-band filers. Celsat's Ka-band application also demonstrated a great degree of flexibility with respect to its preferred orbital location by indicating that Celsat would accept an orbital assignment anywhere between 90 W and 100 W.

Celsat actively participated in all of the meetings over the past two years of the second round Ka-band filers to discuss potential consensus orbital assignment plans. Early orbital assignment plans of this group placed Celsat at 107 W and 111 W, both of which were outside of its preferred location but were slots with which Celsat indicated it was willing to work. Then, as a means of trying to create additional orbital resources for the second round group, Celsat – at the suggestion of Commission staff – investigated the possibility of using the 500 MHz of spectrum available at 83 W and 121 W. Celsat determined that it could use these slots and prepared appropriate ITU filings to add S band beams to the existing ITU filings (which contain Ka-band beams only). By considering 83 W and 121 W, Celsat permitted other second round applicants to pursue assignments at 107 W and 111 W.

Despite Celsat's efforts to free up slots by accepting a tentative assignment at 83 W and 121 W, the Ka-band filers still could not reach agreement. In another attempt to make additional slots available to the second round filers, Celsat took the lead in filing pleadings asking the Commission to declare the first round Ka-band licenses of NetSat 28 and Morningstar null and void. After many months and numerous filings by interested parties (including several other Ka-band filers), the Commission declared the licenses of NetSat 28 and Morningstar null and void on June 26, 2000. This Commission action also made additional orbital resources available to the second round Ka-band filers. Nevertheless, despite continued negotiations by the Ka-band group, we collectively determined that a consensus could not be reached and, on August 8, 2000, asked the Commission to make a final determination so that companies could meet the impending ITU due diligence deadlines.

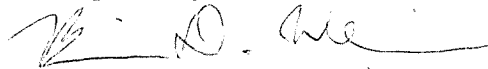
If the Commission were to assign orbital slots based solely on a company's application, then Celsat would be assigned the slot freed up by the Commission's action concerning NetSat 28 (i.e., 95 W), since it is located between 90 W and 100 W and no other second round Ka-band filer has applied for the slot. While Celsat would accept the

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assignment of the 95 W slot, Celsat recognizes that this assignment could make a resolution of the remaining issues facing the second round of the Ka-band much more difficult or even impossible. It was because of this concern that Celsat accepted the compromise slots at 83 W and 121 W in the proposal submitted by a majority of the Ka-band filers on August 11.

In sum, Celsat recognizes the difficult issues facing the Commission in the second processing round of the Ka-band. Celsat believes, however, that the orbital assignment plan submitted by Celsat and others on August 11 should be expeditiously adopted by the Commission because it is the best approach to reaching a resolution of these difficult issues.

Respectfully submitted,



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All Second Round Ka-band Filers