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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Via Hand Delivery**

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

Re: **EX PARTE**

Constellation Communications Holdings, Inc., File Nos. SAT-MOD-20020719-00103, SAT-T/C-20020718-00114, 181-SAT-LOA-97(46) *et al.*; Mobile Communications Holdings, Inc., File Nos. SAT-MOD-20020719-00105, SAT-T/C-20020719-00104, 180-SAT-P/L097(26) *et al.*

Dear Ms. Dortch:

The undersigned submits this letter on behalf of ICO Global Communications (Holdings) Limited ("ICO") in the above-referenced proceeding. The Commission is due to act upon pending applications for review of several cancellations of 2 GHz licenses in the Mobile Satellite Service ("MSS"), including those filed by Constellation Communications Holdings, Inc. ("CCHI"), Mobile Communications Holdings, Inc. ("MCHI"), and TMI Communications and Company, Limited Partnership ("TMI"). ICO urges the Commission to proceed in those cases in a balanced manner consistent with its own precedent.

In the *MCHI/CCHI Order*, the International Bureau rejected for milestone purposes the agreements by which the licensees proposed to acquire ownership interests in satellite capacity and indicated that satellite construction contracts must demonstrate sufficient commitment by the licensees to proceed with construction of their systems.<sup>1</sup> The International Bureau suggested that its precedent does not permit the purchase of capacity for provision of MSS, but rather requires that licensees must be parties to a contract that provides for the physical construction of their satellite.<sup>2</sup> Relevant precedent, however, offers no support for the International Bureau's radical departure from the Commission's established policies and practice.

<sup>1</sup> See *Applications of Mobile Communications Holdings, Inc. and ICO Global Communications (Holdings) Limited for Transfer of Control*, 18 FCC Rcd 1094, ¶¶ 16, 17 (2003) ("*MCHI/CCHI Order*").

<sup>2</sup> *Id.* ¶ 16.

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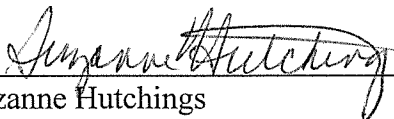
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ICO asks that the Commission, in making a final determination in the above-referenced proceeding, both faithfully apply its precedent to the pending applications for review of the 2 GHz MSS license cancellations and resolve those applications in a fair and nondiscriminatory manner. Failure to resolve the pending applications for review in a nondiscriminatory manner will create additional regulatory uncertainty and invite further contentious litigation that will delay service to the public.

Twelve copies of this letter are being filed for inclusion in the public record, as required by Section 1.1206(b)(1) of the Commission's rules.

Please direct any questions regarding this letter to the undersigned.

Very truly yours,

  
Suzanne Hutchings

cc: Bryan Tramont  
Sam Feder  
Barry Ohlson  
Jennifer Manner  
Paul Margie  
Sheryl Wilkerson