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Federal Communications Commission  
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**By Hand Delivery**

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

Re: Application for Modification of Authority for Use of the 2 GHz Bands to  
Provide Mobile Satellite Service (File No. SAT-MOD-20050110-00004)

Petition for Declaratory Ruling, or Alternatively, for a Waiver (File No.  
SAT-PDR-20050110-00024)

Dear Ms. Dortch:

ICO Satellite Services G.P. ("ICO") requests that the above-referenced application proceeding be designated as "permit-but-disclose" under the Commission's rules governing *ex parte* communications.<sup>1</sup>

ICO filed the above-referenced modification application and declaratory ruling petition on January 10, 2005, and both filings were placed on public notice on February 4, 2005.<sup>2</sup> The Boeing Company ("Boeing") subsequently filed comments on both the application and petition.<sup>3</sup>

For *ex parte* purposes, the proceeding addressing the petition for declaratory ruling is a "permit-but-disclose" proceeding under Section 1.1206(a)(3) of the Commission's rules, while the modification application proceeding is a "restricted" proceeding under Section 1.1208.<sup>4</sup> The Commission, however, has the authority to modify the *ex parte* status of a proceeding "[w]here

<sup>1</sup> See 47 C.F.R. § 1.1200 *et seq.*

<sup>2</sup> See FCC Public Notice, *Policy Branch Information: Satellite Space Applications Accepted For Filing*, Rep. No. SAT-00269 (Feb. 4, 2005).

<sup>3</sup> See Comments of Boeing (Mar. 7, 2005).

<sup>4</sup> See 47 C.F.R. §§ 1.1206(a)(3), 1.1208.

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the public interest so requires.”<sup>5</sup> Grant of this request will serve the public interest by allowing the Commission to harmonize the *ex parte* status of the interrelated modification application and declaratory ruling proceedings, and by facilitating communications with Commission staff to address complex technical, legal, and policy issues raised in these proceedings.

The Commission routinely has redesignated the *ex parte* status of a proceeding as “permit-but-disclose” where complex technical, legal, and policy issues are raised or where the proceeding is interrelated with other “permit-but-disclose” proceedings.<sup>6</sup> More recently, Boeing sought and obtained “permit-but-disclose” status for its application to change its 2 GHz mobile satellite service system from a nongeostationary to a geostationary satellite orbit architecture.<sup>7</sup>

Accordingly, ICO urges the Commission to grant this request expeditiously.

Very truly yours

  
Suzanne Hutchings Malloy

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<sup>5</sup> See *id.* § 1.1200(a).

<sup>6</sup> See, e.g., FCC Public Notice, *Int'l Bureau, Satellite Policy Branch Information: Ex Parte Status of Pending Loral Modification Applications*, 16 FCC Rcd 14774 (IB 2001); *Application of SkyBridge L.L.C.*, 13 FCC Rcd 11076 (IB 1998).

<sup>7</sup> See FCC Public Notice, *Policy Branch Information, Satellite Space Applications Accepted for Filing*, Rep. No. SAT-00125 (Oct. 30, 2002).

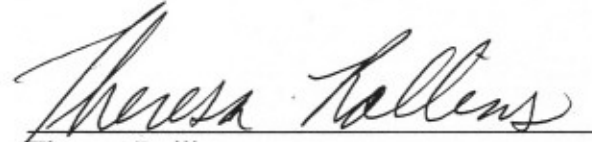
CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2005, a copy of the foregoing Letter was served by hand, or by electronic mail as indicated, on the following:

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