

Before the
Federal Communications Commission
Washington, D.C. 20554

ICO Satellite Services G.P.)	
)	
Application for Modification of Authority)	IBFS No. SAT-MOD-20050110-00004
For Use of 2 GHz Bands to Provide Mobile)	
Satellite Service)	
)	
Petition for Declaratory Ruling or Waiver)	IBFS No. SAT-PDR-20050110-00024

ORDER

Adopted: April 27, 2005

Released: April 27, 2005

By the Chief, Satellite Division, International Bureau:

1. On April 11, 2005, ICO Satellite Services G.P. ("ICO") filed a request to modify the *ex parte* status of the proceeding concerning disposition of the above-referenced application for modification of its reservation of spectrum in the 2 GHz MSS frequency bands. Specifically, ICO asks that the proceeding be designated as "permit-but-disclose" for purposes of the Commission's rules governing *ex parte* communications.

2. ICO filed the above-captioned application and petition for declaratory ruling on January 10, 2005. Both filings were placed on public notice on February 4, 2005.¹ The Boeing Company filed comments on the application and the petition.

3. ICO notes that Section 1.1206(a)(3) of the Commission's rules routinely classifies declaratory ruling proceedings as "permit-but-disclose," while application proceedings are routinely classified as "restricted" under Section 1.1208. ICO maintains that it would serve the public interest to designate the proceeding with respect to its modification application as permit-but-disclose in order to harmonize the proceeding's *ex parte* status with the status of the interrelated declaratory-ruling proceeding to facilitate discussion of complex technical, legal, and policy issues with the Commission's staff. Boeing, the only party that filed comments or pleadings pertaining to the modification application or the petition for declaratory ruling, has raised no objection to ICO's request to de-restrict the application proceeding.

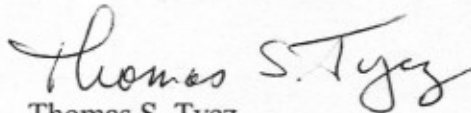
¹ FCC Public Notice, *Policy Branch Information: Satellite Space Applications Accepted for Filing*, Rep. No. SAT-0026.

4. For the reasons stated by ICO, we find it in the public interest to modify the *ex parte* status of the modification application proceeding from "restricted" to "permit-but-disclose."

5. Accordingly, IT IS ORDERED, pursuant to Sections 0.261, 1.1200(a), and 1.1208 of the Commission's rules, 47 C.F.R. §§ 0.261, 1.1200(a), and 1.1208, that the proceeding with respect to ICO's modification application, IBFS No. SAT-MOD-20050110-00004, IS RE-DESIGNATED as permit-but-disclose.

6. This order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION



Thomas S. Tycz
Chief, Satellite Division
International Bureau