

Permit - But - Disclose



File # SAT-MOD-20050926-00182
SAT-AMD-20050927-00186
Call Sign 5265 Grant Date Apr. 12, 2006
(or other identifier)

Term Dates
From April 12, 2006 To: length of proceeding

Approved: [Signature]
Policy Branch Chief
April 2, 2006



By Hand Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

APR - 3 2006

Federal Communications Commission
Office of Secretary

Re: Application for Modification of Authority for Use of the 2 GHz Bands to Provide Mobile Satellite Service (File Nos. SAT-MOD-20050926-00182 & SAT-AMD-20050927-00186)

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.¹

ICO filed the above-referenced modification application and minor amendment on September 26 and 27, 2005, respectively. The modification application included a waiver request to permit temporary use of C-band frequencies for in-transit and emergency telemetry, tracking, and command ("TT&C") operations. The modification application and minor amendment were placed on public notice on October 21 and December 7, 2005, respectively.² Long after the closing of the formal pleading cycle, Intelsat North America LLC ("Intelsat") untimely filed a letter on March 27, 2006, requesting denial of ICO's waiver request.³

¹ See 47 C.F.R. § 1.1200 *et seq.*

² See FCC Public Notice, *Policy Branch Information: Satellite Space Applications Accepted For Filing*, Rep. No. SAT-00325 (Oct. 21, 2005); FCC Public Notice, *Policy Branch Information: Satellite Space Applications Accepted For Filing*, Rep. No. SAT-00333 (Dec. 7, 2005).

³ See Letter from Jennifer D. Hindin, Counsel to Intelsat, to Marlene H. Dortch, Secretary, FCC, (Mar. 7, 2005).

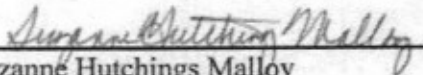
815 Connecticut Avenue, NW
Suite 610
Washington, DC 20006

202 330 4005 phone
202 330 4006 fax
web: www.ico.com

For *ex parte* purposes, this modification application proceeding is a "restricted" proceeding under Section 1.1208.⁴ The Commission, however, has the authority to modify the *ex parte* status of a proceeding "[w]here the public interest so requires."⁵ Grant of this request will serve the public interest 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.⁶ In fact, the Commission previously granted a similar request by ICO to redesignate as "permit-but-disclose" a related application to modify its 2 GHz mobile satellite service to substitute a geostationary satellite orbit system for a nongeostationary satellite orbit system.⁷

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

Very truly yours


Suzanne Hutchings Malloy

cc: Andrea Kelly

⁴ See 47 C.F.R. §§ 1.1206(a)(3), 1.1208.

⁵ See *id.* § 1.1200(a).

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

⁷ See *ICO Satellite Services G.P.*, 20 FCC Red 8246 (IB 2005).

PERMIT-BUT-DISCLOSE

File Nos. SAT-MOD-20050926-00182 and
SAT-AMD-20050927-00186
Call Sign: S2651

These applications pertain to a licensing proceeding and are generally restricted under the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1202(d) and 1.1208. On April 2, 2006, ICO Satellite Services G.P. filed a request to designate this proceeding as "permit-but-disclose" under the Commission's *ex parte* rules. See Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from Suzanne Hutchings Malloy, Counsel to ICO Satellite Services G.P. (April 2, 2006). No oppositions to the change in status have been filed. See Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from Suzanne Hutchings Malloy, Counsel to ICO Satellite Services G.P. (April 11, 2006). The issues raised in these applications address complex technical, legal, and policy issues. In order to develop a full and complete record in this proceeding, the Satellite Division concludes that the public interest will be served by designating IBFS File Nos. SAT-MOD-20050926-00182 and SAT-MOD-20050927-00186 (Call Sign S2651) as "permit-but-disclose." Accordingly, on April 12, 2006, the Satellite Division, Policy Branch, granted the request and designated the applications as "permit-but-disclose." 47 C.F.R. §§ 1.200(a), 1.1206 and 1.1208, Note 2. This action is without prejudice to any determination regarding the processing of applications.

Permit-But-Disclose



File # _____

Call Sign _____ Grant Date April 12, 2006
(or other identifier)

Term Dates
From April 12, 2006 To: length of proceeding

Approved: [Signature]
Policy Branch Chief