

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

FILED/ACCEPTED

NOV 14 2006

NOV 15 2006

Federal Communications Commission
Office of the Secretary

In the matter of)
New ICO Satellite Services G.P.)

File No. SAT-MOD-2006-109137 (S2651)

Policy Branch
International Bureau

MOTION TO DESIGNATE PROCEEDING AS “PERMIT-BUT-DISCLOSE”

Inmarsat Global Limited (“Inmarsat”) requests that the Commission designate this proceeding, involving the consideration of New ICO Satellite Services G.P.’s (“ICO’s”) modification application, as “permit-but-disclose” under the Commission’s rules governing *ex parte* communications.¹ Because this proceeding involves an application for authority under Title III of the Communications Act, this proceeding currently is considered “restricted” under the Commission’s *ex parte* rules.

ICO’s modification application represents the latest development in the Commission’s administration of the 2 GHz Band over the last few years. First, on May 24, 2005, the Commission granted a modification of ICO’s 2 GHz Band license, permitting ICO to operate a single geostationary satellite instead of its originally authorized non-geostationary-orbit constellation.² That proceeding, which the Commission designated as permit-but-disclose,³ set the milestones that are at issue in the current proceeding. Second, on December 9, 2005, the

¹ 47 C.F.R. § 1.1200 *et seq.* Inmarsat also has filed a notification of its intent to participate in this proceeding.

² *ICO Satellite Services G.P.*, 20 FCC Rcd 9797 (2005).

³ *ICO Satellite Services G.P.*, 20 FCC Rcd 8246 (2005).

Commission increased ICO's spectrum assignment in the 2 GHz Band from 8 MHz to 20 MHz.⁴ Moreover, as a direct result of that proceeding, the Commission dismissed Inmarsat's application for authority to provide service to the United States in the 2 GHz Band.⁵ These were highly contested proceedings, all of which the Commission designated as "permit-but-disclose,"⁶ and for which petitions for reconsideration (including one filed by Inmarsat) are pending.⁷

The *ex parte* rules provide that "[w]here the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter or public notice."⁸ A change in the status of this proceeding to permit-but-disclose clearly is warranted. It would serve the public interest to designate the above-captioned proceeding as permit-but-disclose in order to harmonize this proceeding's *ex parte* status with the status of the earlier related proceedings in this matter. In addition, and as in the earlier 2 GHz Band proceedings, permit-but-disclose status here would facilitate discussion with Commission staff to address complex technical, legal, and policy issues raised in this proceeding.

⁴ *Use of Returned Spectrum in the 2 GHz Mobile Satellite Service Frequency Bands*, 20 FCC Rcd 19696 (2005). The remaining half of the 2 GHz Band was assigned to TMI Communications and Company Limited Partnership.

⁵ *Inmarsat Global Limited*, 20 FCC Rcd 19409 (2005).

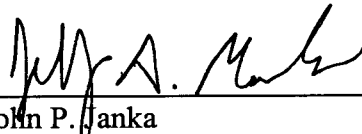
⁶ *Commission Invites Comments Concerning Use of Portions of Returned 2 GHz Mobile Satellite Service Frequencies*, IB Docket No. 05-220, FCC 05-133 (rel. June 29, 2005); *Commission Invites Comments Concerning Use of Portions of Returned 2 GHz Mobile Satellite Service Frequencies*, IB Docket No. 05-221, FCC 05-134 (rel. June 29, 2005); *Policy Branch Information, Actions Taken*, Rep. No. SAT-00324, DA 05-2670 (rel. Oct. 7, 2005).

⁷ See Consolidated Petition for Reconsideration, Inmarsat Ventures Limited and Inmarsat Global Limited, IB Docket Nos. 05-220, 05-221, *et al.* (filed Jan. 9, 2006); Petition for Reconsideration, Globalstar LLC, IB Docket Nos. 05-220, 05-221 (filed Jan. 9, 2006).

⁸ 47 C.F.R. § 1.1200(a).

For the foregoing reasons, Inmarsat respectfully requests that the Commission designate the *ex parte* status of this proceeding as “permit-but-disclose.”

Respectfully submitted,



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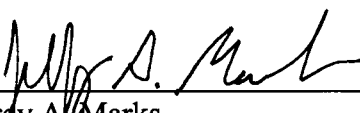
November 14, 2006

CERTIFICATE OF SERVICE

I, Jeffrey A. Marks, hereby certify that on this 14th day of November, 2006, I caused to be served a true copy of the foregoing by first class mail, postage prepaid, and electronic mail upon the following:

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