

## Before the FILED/ACCEPTED Before the FEDERAL COMMUNICATIONS COMMISSION DEC 1 8 2006

Washington, D.C. 20554

Federal Communications Commission Office of the Secretary

In the Matter of	)	
TMI Communications and Company, Limited Partnership	)	File No. SAT-MOD-20061206-00144
Application for Modification of 2 GHz Mobile Satellite Service Authorization	)	

## NOTICE OF INTENT TO PARTICIPATE

New ICO Satellite Services G.P. ("ICO") submits this notice of intent to participate in the above-captioned proceeding. Accordingly, under Sections 1.1202(d)(1) and 1.1208 of the Commission's rules, 47 C.F.R. §§ 1.1202(d)(1) and 1.1208, ICO is a party to this restricted proceeding, and is entitled to be served with, as well as provided with the required notice and opportunity to be present for, all communications and other presentations that occur between the Commission and the applicant or other parties to this proceeding. ICO further notes that, under Section 309(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(b), the Commission may not act upon the above-captioned modification application "earlier than thirty days following issuance of public notice by the Commission of the acceptance for filing of such application."

The authorizations of 2 GHz licensees require that each licensee select its specific 2 GHz MSS spectrum assignment in each of the 2000-2020 MHz and 2180-2200 MHz frequency bands upon commencing operation in its authorized orbit location. To date, construction of the ICO G1 satellite is 85% complete, ICO has paid 90% of the satellite construction contract price, and has paid 60% of the launch contract price. Based on its progress to date, ICO fully expects to launch its 2 GHz MSS satellite in time to be the first 2 GHz licensee to make its selected spectrum assignment. ICO is willing to cooperate with other 2 GHz licensees in spectrum selection,

spectrum clearing, and other related issues. However, ICO would oppose any 2 GHz license modification that would be inconsistent with the terms of its authorization.

Respectfully submitted,

NEW ICO SATELLITE SERVICES G.P.

Cheryl A. Tritt Phuong N. Pham Morrison & Foerster LLP 2000 Pennsylvania Ave., NW, Suite 5500 Washington, D.C. 20006

Its Attorneys

Suzanne Hutchings Malloy Senior Regulatory Counsel 815 Connecticut Avenue, N.W.

Suite 610

Washington, D.C. 20006

December 18, 2006

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2006, I caused to be served a copy of the foregoing **Notice of Intent to Participate** by U.S. First Class mail upon the following:

Gregory C. Staple
Vinson & Elkins
1455 Pennsylvania Avenue, NW
Washington, DC 20004
Counsel for TMI Communications and
Company, Limited Partnership

heresa L. Rollins