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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 28, 2003

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

Int'l Bureau

DEC 04 2003

Front Office

Re: *Oral Ex Parte Presentation*

TMI Communications and Company, Limited Partnership, DA 03-385, File Nos. 189-SAT-LOI-97 et al.; Mobile Communications Holdings, Inc., DA 03-285, File No. SAT-T/C-20020719-00104 et al.; Constellation Communications Holdings, Inc., DA 03-285, File No. SAT-T/C-20020718-00104 et al.; Globalstar, L.P., DA 03-328, File Nos. 183/184/185/186-SAT-P/LA-97 et al.

Dear Ms. Dortch:

On November 25, 2003, Doug Brandon of AT&T Wireless Services, Inc. and Jim Bugel of Cingular Wireless LLC (the "Carriers"), together with the undersigned, met with Paul Margie, Legal Advisor to Commissioner Michael Copps, to discuss the 2 GHz MSS authorization applications for review identified above. During the meeting, the Carriers addressed issues previously raised in response to applicants.¹ In particular, the Carriers discussed the Commission's strict milestone enforcement policy, the straightforward nature of the initial milestone requirement, and the International Bureau's decisions correctly concluding that the authorizations at issue were null and void for failure to comply with the milestone.

With respect to TMI Communications and Company, Limited Partnership ("TMI"), the Carriers noted that the back-to-back nature of the contractual arrangements did not satisfy the

¹ See e.g., Letter to Marlene H. Dortch, Secretary, FCC from Kathryn A. Zachem *et al.*, File Nos. 189-SAT-LOI-97 *et al.* (Aug. 8, 2003); Letter to Marlene H. Dortch, Secretary, FCC from Kathryn A. Zachem *et al.*, File Nos. 189-SAT-LOI-97 *et al.* (June 20, 2003); AT&T Wireless *et al.*, Opposition to Application for Review, File No. 189-SAT-LOI-97 *et al.* (Mar. 27, 2003); AT&T Wireless *et al.*, Opposition to Joint Application for Review, File No. SAT-T/C-20020719-00104 *et al.* (Mar. 18, 2003); AT&T Wireless *et al.*, Opposition to Emergency Application for Review, File Nos. 183/184/185/186-SAT-P/LA-97 *et al.* (Mar. 18, 2003)

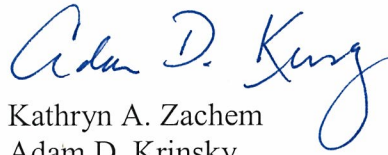
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milestone and that TMI failed to take steps, such as entering a non-contingent contract with an assignability provision, which would have satisfied the milestone. With respect to Mobile Communications Holdings, Inc. and Constellation Communications Holdings, Inc., the Carriers again emphasized that the proposed satellite sharing arrangements with ICO Global Communications (Holdings) Limited failed to satisfy the letter and spirit of the noncontingent contract milestone. With respect to Globalstar, L.P., the Carriers noted that the contract upon which Globalstar relied did not allow for completion of the satellite system and certification of full operations within the milestones, thus violating the requirements of the initial milestone.

Please contact the undersigned with any questions.

Respectfully submitted,



Kathryn A. Zachem
Adam D. Krinsky

cc: Paul Margie
Donald Abelson
Thomas Tycz
Anna Gomez
Jackie Ruff
Howard Griboff
Jennifer Gilsenan
Karl Kensinger
Roderick Porter
John Rogovin
David Horowitz
Neil Dellar