



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

July 3, 2003

In Reply Refer To:

File Nos. SAT-MOD-20030609-00103
SAT-WAV-20030609-00104

Via Fax (202-719-7049) and U.S. Mail

Mr. Peter D. Shields
Wiley Rein & Fielding LLP
1776 K Street, N.W.
Washington, D.C. 20006

Re: Iridium 2GHz LLC
Application for Modification and Public Interest Demonstration (S2325)

Dear Mr. Shields:

On April 23, 2003, the Commission adopted the Space Station Reform *First Report and Order and Further Notice of Proposed Rulemaking*, substantially revising its satellite licensing process. In that *Order*, the Commission adopted a freeze on certain satellite license applications, including, *inter alia*, requests that seek authority to operate on frequencies not previously authorized for operation by that licensee. This freeze began on April 23, 2003, and will remain in effect until a summary of the *First Report and Order* is published in the Federal Register. See Public Notice, Commission Adopts Freeze on New Satellite License Applications, DA 03-1284 (rel. April 25, 2003).

An examination of the above-referenced application shows that Iridium 2GHz LLC ("Iridium") either seeks authority, during the pendency of the freeze, to operate on frequencies not previously authorized, or has not submitted a concrete proposal for Commission evaluation.

The application appears in some portions to seek authority for feeder link operations. On page 30, "Iridium requests Commission authority to provide feederlinks for its 2 GHz MSS system of 125 MHz of spectrum in each transmission direction within the Planned Ku-band" A similar statement appears on page 32 ("Iridium seeks authority to operate TT&C and feederlinks for its GSO MSS network using 125 MHz of paired spectrum in the Planned Ku-band . . ."). Pages 25-27 of the application detail Iridium's proposed gateway-to-satellite and satellite-to-gateway frequency and polarization plans, including the use of previously-unauthorized feeder link spectrum. On page 20 of the application, Iridium specifies precise previously-unauthorized feeder link spectrum "in order to satisfy the requirement to provide a 'concrete proposal' for Commission consideration." To the extent the application requests authority for new feeder link frequencies, there is not an adequate justification for a waiver of the applicable freeze. Iridium's stated justification for the waiver is that the waiver should be granted for the same reasons that warrant grant of its application. This argument does not provide any unique or compelling reasons for distinguishing Iridium's application from any other application subject to the freeze, since any proposal that might ultimately be deemed to serve the public interest would meet this test.

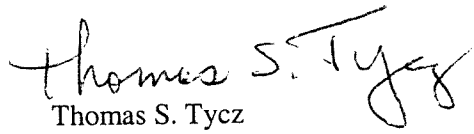
The application appears in other portions to indicate that Iridium is not currently requesting feeder link authority. On page 20 of the application, Iridium states that it "intends to file an amendment to this application . . . that will seek authority to operate feederlinks and [TT&C] for its GSO network . . . as

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soon as the Commission lifts the 'freeze' on the filing of requests for new spectrum assignments." To the extent the application is not currently seeking authority for feeder links, it does not comply with Sections 25.114(b) and 25.114(c)(6)(iii) of the Commission's rules. Furthermore, a waiver of those rules is not warranted for purposes of avoiding the effect of the freeze.

Thus, regardless of whether Iridium is currently seeking feeder link authority, the application is not acceptable for filing as submitted. We therefore return Iridium's application without prejudice to refiling a concrete proposal on or after the date upon which the freeze is no longer in effect.

Sincerely,

A handwritten signature in cursive script that reads "Thomas S. Tycz". The signature is written in black ink and is positioned above the printed name and title.

Thomas S. Tycz
Chief, Satellite Division
International Bureau

Enclosure