



LEVENTHAL SENTER & LERMAN PLLC

November 13, 2003

Mr. William E. Howden
Systems Analysis Branch
Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Call Sign E010332; File Number SESLIC2001113002259

Dear Mr. Howden,

I am writing to you on behalf of Maritime Telecommunications Network, Inc. ("MTN") in response to your letter of October 10, 2003 requesting additional information regarding pending application File No. SESLIC2001113002259, and as follow up to our discussion of October 22, 2003. I request your confirmation on the following way to proceed.

Affidavits

As we stated in our discussion of October 22, MTN would like to be able to provide you with the affidavits you request from adjacent satellite operators. However, because MTN has no business relationship with operators of satellites adjacent to those providing MTN with space segment services, MTN is not in a position to comply with this requirement. MTN has no standing to ensure that adjacent satellite operators comply with a request they execute an affidavit or declaration. Likewise, MTN understands that at this time, ESV operations in the Ku-band are "non-conforming" uses of that band and that the Commission must ensure that such "non-conforming" use will not interfere with conforming use.

In recognition of the difficulty in obtaining affidavits or declarations from parties with whom applicants have no business relationship, you will consider modifying the requirement for such affidavits to the following:

1. In response to the Commission's modified request, ESV earth station applicants will prepare an interference analysis for the earth stations and the antennas that it proposes to deploy and will forward a copy of this analysis to adjacent satellite operators within 4^o of the satellite providing space segment services to the applicant, under cover of a notice;



2. The cover notice will notify adjacent operators that the ESV applicant's operation will be consistent with the satellite system coordination agreements between the ESV applicant's space segment provider and the adjacent satellite operators;
3. The cover notice will clearly notify the recipient that the recipient's failure to reply within 30 calendar days from the date of notice will be construed as assent to the grant of the applicant's ESV earth station application;
4. The ESV earth station applicant will file this correspondence with its application (or if the application is already on file, it will supplement the application with copies of such correspondence);
5. The Commission will place the supplement filing on public notice for a period of 15 days, and, absent objection, will grant or dismiss or otherwise dispose of the application. With objection, the Commission will proceed as appropriate.

Muting

With respect to muting, ESV applicants may satisfy this concern by preparing an engineering showing that provides compelling evidence that the antenna tracking, pointing and control system will cause transmissions to cease if pointing error exceeds 0.5° and not resume until pointing error is within 0.2° .

If you concur in these changes to the request for further information contained in your letter of October 10, 2003, MTN would appreciate your re-issuing the letter with these modifications and providing 30 days for MTN to compile this information.

Please call me with any questions or concerns regarding this matter.

Sincerely,

Raul R. Rodriguez
Counsel to Maritime Telecommunications
Network, Inc.

RRR/rjc