

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

In the matter of)	
)	File No. 188-SAT-LOI-97
ICO Satellite Services G.P.)	
)	IBFS Nos. SAT-LOI-19970926-00163
Letter of Intent to Provide)	SAT-AMD-20000612-00107
Mobile-Satellite Service in the 2 GHz Bands)	SAT-AMD-20001103-00155

ORDER

Adopted: June 24, 2003

Released: June 24, 2003

By the Chief, International Bureau:

1. By this *Order*, we modify the authorization currently held by ICO Satellite Services G.P. (ICO), a non-U.S. licensed space-station licensee, to access spectrum in the 2 GHz band to provide Mobile-Satellite Service (MSS) in the United States.¹ Specifically, we modify ICO's service-link authorization pursuant to an instruction from the Commission in the *AWS Third Report and Order*.²

2. Each entity authorized to provide 2 GHz MSS in the United States, including ICO, received authority to use a pair of "Selected Assignments" in the 1990-2025 MHz service-uplink band and the 2165-2200 MHz service-downlink band.³ The selection is to be made on a first-come, first-served basis; each entity authorized to provide 2 GHz MSS in the United States is to choose its Selected Assignments from previously-unassigned portions of the service-link bands after having launched the first of its satellites and placed it into its intended orbit.⁴ On October 15, 2002, ICO chose the 1990-1993.88 MHz and 2172.76-2176.64 MHz bands as its Selected Assignments to serve the United States in the 2 GHz MSS band.⁵

¹ *ICO Services Limited*, Order, DA 01-1635, 16 FCC Rcd 13762 (Int'l Bur./OET 2001) (*ICO Order*), *app. for review denied*, FCC 03-12, 18 FCC Rcd 1405 (2003), *appeal pending*, AT&T Wireless Services, Inc. v. FCC, No. 03-1042 (D.C. Cir. filed Feb. 26, 2003); Letter from Fern J. Jarmulnek, Deputy Chief, Satellite and Radiocommunication Division, International Bureau, FCC to Cheryl A. Tritt, Counsel for ICO Satellite Services G.P. (March 21, 2002) (granting the *pro forma* assignment of the 2 GHz MSS authorization held by ICO Services Limited to ICO Satellite Services G.P.).

² *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, ET Docket No. 00-258, Third Report and Order, Third Notice of Proposed Rulemaking and Second Memorandum Opinion and Order, FCC 03-16, 18 FCC Rcd 2223 (2003) (*AWS Third Report and Order*), *recon. pending*.

³ See, e.g., *ICO Order*, 16 FCC Rcd at 13774-75 ¶ 32.

⁴ See, e.g., *id.* at 13765-66 ¶¶ 8-9.

⁵ See *AWS Third Report and Order*, 18 FCC Rcd at 2230 ¶ 12. Although each entity authorized to provide 2 GHz MSS in the United States received access to spectrum segments of 3.5 megahertz on a primary basis, their authorizations preserved the Commission's ability to expand the Selected Assignments up to an additional .38 megahertz each, depending on the outcome of matters then being considered in ET Docket No. 00-258. See, e.g.,

(continued...)

3. In the *AWS Third Report and Order*, the Commission reallocated the 1990-2000 MHz, 2020-2025 MHz, and 2165-2180 MHz bands from MSS to terrestrial wireless services, reducing the 2 GHz MSS service-link allocations to the 2000-2020 MHz (uplink) and 2180-2200 MHz (downlink) bands.⁶ The Commission decided that the remaining 2 GHz MSS service-link spectrum, 20 megahertz in each direction, should be divided equally among those authorized systems found in compliance with the first milestone requirement, and delegated authority to the International Bureau to modify those authorizations accordingly.⁷ In doing so, the Commission acknowledged that ICO's Selected Assignment spectrum was no longer available, and stated, "[w]hen the authorizations are modified, the MSS entities, including ICO, can follow current procedures for notifying the Commission of their Selected Assignments"⁸ We have determined that four authorized 2 GHz MSS systems, including ICO, have met the first milestone requirement.⁹ We therefore modify ICO's authorization to indicate that it may choose Selected Assignments of 5 megahertz bandwidth within the 2000-2020 MHz uplink and 2180-2200 MHz downlink bands.¹⁰

4. Accordingly, IT IS ORDERED that paragraph 32 of *Order*, 16 FCC Rcd 13762 (Int'l Bur./OET 2001) IS MODIFIED to read as follows:

* * * ICO Satellite Services G.P. IS RESERVED radio-frequency spectrum for its twelve-satellite non-geostationary satellite system in the 2000-2020/2180-2200 MHz frequency bands in the United States, in accordance with the technical specifications set forth in its Letter of Intent, as amended, and the terms and conditions set forth in the *Order*, 16 FCC Rcd 13762 (Int'l Bur./OET 2001), and consistent with our rules, unless specifically waived, and subject to the following conditions:

- a. ICO Satellite Services G.P. may choose a Selected Assignment in each of the 2000-2020 MHz and 2180-2200 MHz frequency bands as soon as practicable after release of this *Order*;
- b. The Selected Assignment shall give ICO Satellite Services G.P. access to 5 megahertz in each direction of transmission on a primary basis;

(...continued from previous page)

ICO Order, 16 FCC Rcd at 13765-66 ¶¶ 8-9. Therefore, ICO was able to choose Selected Assignments of 3.88 megahertz in each direction.

⁶ *Id.* at 2238 ¶ 28.

⁷ *Id.* at 2240 ¶ 33.

⁸ *Id.* (emphasis added).

⁹ See Public Notice Report No. SAT-00135, DA 03-386, 18 FCC Rcd 1732 (Sat. Div., Int'l Bur. 2003) (announcing that Celsat America, Inc., Iridium LLC, and ICO met the first milestone requirement); *The Boeing Company*, Order and Authorization, DA 03-2073 (rel. June 24, 2003) (holding that Boeing met the first milestone requirement). See also *Globalstar, L.P.*, Memorandum Opinion and Order, DA 03-328, 18 FCC Rcd 1249 (Int'l Bur. 2003), *request for stay and emergency app. for review pending* (holding that Globalstar's 2 GHz MSS license is null and void for failure to meet the first milestone requirement); *Mobile Communications Holdings, Inc. and ICO Global Communications (Holdings) Limited, et al.*, Memorandum Opinion and Order, DA 03-285, 18 FCC Rcd 1094 (Int'l Bur. 2003), *joint app. for review pending* (holding that the 2 GHz MSS licenses issued to Mobile Communications Holdings, Inc. and Constellation Communications Holdings, Inc. are null and void for failure to meet the first milestone requirement); *TMI Communications and Company, Limited Partnership*, Memorandum Opinion and Order, DA 03-385, 18 FCC Rcd 1725 (Int'l Bur. 2003), *request for stay and app. for review pending* (holding that the *Order* reserving 2 GHz MSS spectrum for TMI is null and void for failure to meet the first milestone requirement).

¹⁰ This assignment of additional service-link spectrum may be subject to adjustment in the event of Commission or Court action arising from petitions for reconsideration, applications for review, or appeals filed in connection with the cancelled authorizations cited in the preceding footnote, or the *AWS Third Report and Order*.

- c. The Selected Assignment shall be chosen such that the band edge of the assignment is an integer multiple of 5 megahertz from the band edge of the 2 GHz MSS band; and
 - d. Operations in frequencies in these bands outside the Selected Assignment shall be on a secondary basis to operations of other 2 GHz MSS systems.
5. This *Order* is issued pursuant to Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, and is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Donald Abelson
Chief, International Bureau