

**SEPARATE STATEMENT OF  
COMMISSIONER KEVIN J. MARTIN  
APPROVING IN PART AND DISSENTING IN PART**

*Re: Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide a Fixed Service in the 12.2-12.7 GHz Band, Fourth Memorandum Opinion and Order and Order, ET Docket No. 98-206, RM-9147, and RM-9245.*

I approve in part and dissent in part for the reasons explained in my earlier separate statement on this matter. *See Separate Statement of Commissioner Kevin J. Martin, Approving in Part and Dissenting in Part, Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide a Fixed Service in the 12.2-12.7 GHz Band, Memorandum Opinion and Order and Second Report and Order, ET Docket No. 98-206, RM-9147, and RM-9245 (rel. May 23, 2002).*