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June 22, 1999

VIA HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
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445 12th Street, S.W.
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RECEIVED

JUN 22 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ET Docket 95-18
Comment by the Fixed Wireless Communications
Coalition to ICO Ex Parte Letter dated May 5, 1999

Dear Ms. Salas:

This letter is being filed on behalf of the Fixed Wireless Communications Coalition (FWCC). It concerns an Ex Parte filing in the above cited Docket by Counsel for ICO Service Limited ("ICO"). The aforementioned filing¹ submits for the record a Legal Opinion prepared by Dr. Ram Jakhu, an Associate Professor on the Faculty of Law, McGill University, Montreal, Canada. Briefly put, the Legal Opinion challenges the authority of the United States and the FCC to require non U.S. licensed satellite systems to pay the relocation costs of incumbent terrestrial fixed wireless operators in the 2.1 GHz band.

The Coalition has noted one of its members, the Association of American Railroads (AAR), has already filed a response to the ICO Ex Parte filing.² The views of

¹The ICO Letter was filed in Docket ET 95-18 to support an ICO Petition for Further Limited Reconsideration on an earlier Memorandum Opinion and Order and Order, FCC 98-309, released November 25, 1998.

²See letter dated May 27, 1999 from Verner, Liipfert, Bernard, McPherson & Hand on behalf of the Association of American Railroads addressed to Rebecca Dorch, Deputy Chief, OET.

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Magalie Roman Salas, Esquire
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AAR are supported by the FWCC both as regards the three conclusions drawn by Prof. Jakhu being flawed and the summary at the end stating "the Commission's reimbursement policy is well grounded in law and the public interest . . .". The FWCC sees no reason for the Commission to deviate from that reimbursement policy. The Commission is urged to sweep aside and disregard the Ex Parte letter filed by ICO on May 5, 1999.

Respectfully submitted,



Leonard Robert Raish
On behalf of the Fixed Wireless
Communications Coalition

LRR:cej

cc: Ms. Rebecca Dorch
Deputy Chief
Office of Engineering & Technology