

November 28, 2005

**ORIGINAL**

**Via Hand Delivery**  
Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**RECEIVED**

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Federal Communications Commission  
Office of Secretary

**Re: Hughes Network Systems Sub, LLC**  
**Call Sign WD2XJU**  
**File No. 0137-EX-ML-2005**

Dear Ms. Dortch:

Mobile Satellites Ventures Subsidiary LLC ("MSV") hereby urges the Office of Engineering and Technology ("OET") to reconsider on its own motion its grant of the above-captioned application and to condition it on (i) use of only Inmarsat-3 satellites; and (ii) use of only those frequencies that were coordinated for Inmarsat Ventures Ltd. ("Inmarsat") under the spectrum sharing arrangement negotiated in 1999 among the North American L band operators, exclusive of frequencies that were temporarily loaned but subsequently recalled by the lenders.<sup>1</sup> MSV operates the U.S.-licensed L band satellite. MSV is concerned that use of uncoordinated Inmarsat satellites may result in harmful interference and jeopardize the coordination process. Moreover, Inmarsat's continued use of loaned frequencies precludes MSV from testing its new hybrid satellite and terrestrial system.

On November 15, 2005, Hughes Network Systems Sub LLC ("Hughes") filed the above-referenced application for a modification of an existing experimental license to test Broadband Global Area Network ("BGAN") terminals with satellites operated by Inmarsat.<sup>2</sup> In the application, Hughes indicated that it will operate these terminals with Inmarsat-4 satellites. *See Hughes Application*, Exhibit A at 2-3. OET granted the modification application on November 16, 2005.

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<sup>1</sup> The OET has authority to set aside or revise a grant on its own motion within thirty (30) days after grant of an application. 47 C.F.R. § 1.108. In this case, the thirty-day period expires on December 16, 2005.

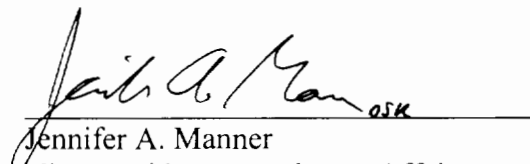
<sup>2</sup> *See Application of Hughes Network Systems Sub LLC, File No. 0137-EX-ML-2005 (November 15, 2005) ("Hughes Application").*

As discussed in the attached Petition,<sup>3</sup> the Inmarsat-4 satellites have not been coordinated among the North American L band operators and, as a result, present a significant risk of interference. *See MSV Petition* (Exhibit A) at 3-4, 7-14. In the past, the International Bureau has refused to grant an application to operate with an uncoordinated satellite when it presents a risk of interference.<sup>4</sup> Moreover, Inmarsat continues to use frequencies on its current system that were coordinated for MSV's own use under the 1999 spectrum sharing arrangement, then loaned to Inmarsat on a temporary basis, and that Inmarsat now refuses to relinquish or to refrain from using on its Inmarsat-4 satellites. *MSV Petition* (Exhibit A) at 4-5, 14-17. MSV needs access to this spectrum to conduct tests of its hybrid system and to implement its aggressive plan to deploy an interim-generation integrated satellite-terrestrial system. Interference from Inmarsat's operation on this loaned spectrum would occur immediately but for MSV's continued restraint in not using these frequencies so as to protect Inmarsat's customers.

Based on the foregoing, MSV urges OET to reconsider on its own motion its grant of the above-captioned application. OET should condition grant of the application on use of only Inmarsat-3 satellites and only those frequencies that were coordinated for Inmarsat under the spectrum sharing arrangement negotiated in 1999 among the North American L band operators, exclusive of frequencies that were temporarily loaned but subsequently recalled by the lenders.

Please contact the undersigned with any questions.

Very truly yours,



Jennifer A. Manner  
Vice President, Regulatory Affairs  
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SUBSIDIARY LLC**  
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<sup>3</sup> *See* Mobile Satellite Ventures Subsidiary LLC, Public Copy of Petition to Hold in Abeyance or to Grant with Conditions Application of Telenor Satellite, Inc. to Operate BGAN Terminals with Inmarsat-4 Satellite, File Nos. SES-LFS-20050930-01352, SES-AMD-20051111-01564, ITC-214-20051005-00395 (November 23, 2005) ("*MSV Petition*").

<sup>4</sup> *See* Letter from Thomas S. Tycz, FCC, to Joseph A. Godles, Counsel for PanAmSat, File No. SAT-STA-19980902-00057 (September 15, 1998) (refusing to permit PanAmSat to operate C band payload until after coordinating with affected Administrations).