

March 10, 2006

Via Hand Delivery

Mr. James Burtle
Chief, Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED - FCC

MAR 10 2006

Federal Communication Commission
Bureau / Office

**Re: Aeronautical Radio Inc.
File No. 0327-EX-PL-2005**

Dear Mr. Burtle:

Mobile Satellite Ventures Subsidiary LLC ("MSV"), the United States L band Mobile Satellite Service ("MSS") licensee, hereby responds to a February 22nd e-mail from Aeronautical Radio Inc. ("ARINC") to staff of the Office of Engineering and Technology ("OET") in reference to ARINC's above-captioned application for an experimental license.¹ As discussed herein, to ensure that ARINC does not use loaned frequencies or frequencies coordinated for MSV or Mobile Satellite Ventures (Canada) Inc. ("MSV Canada"), the Canadian L band MSS licensee, OET should require ARINC to specifically list the frequencies it will use for this experiment, as OET has required of other applicants for experimental licenses to operate with Inmarsat satellites.

On November 8, 2005, ARINC filed the above-referenced application to test terminals with satellites operated by Inmarsat using frequencies throughout the L band (1626.5-1660.5 MHz).² On November 28, 2005, MSV filed a letter asking OET to condition any grant of the application on use of only Inmarsat-3 satellites and on use of only those frequencies that were coordinated for Inmarsat under the spectrum sharing arrangement ("SSA") negotiated in 1999 among the North American L band operators, exclusive of frequencies that were temporarily loaned but subsequently recalled by the lenders.³ MSV explained that 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. *MSV Letter* at 1-2. MSV also explained that Inmarsat

¹ See E-Mail from Christopher Wheatley, Aeronautical Radio Inc., to Anthony Serafini, FCC, File No. 0327-EX-PL-2005 (February 22, 2006) ("*ARINC Response*").

² See Application of Aeronautical Radio Inc., File No. 0327-EX-PL-2005 (November 8, 2005).

³ See Letter from Jennifer A. Manner, MSV, to Marlene H. Dortch, FCC, File No. 0327-EX-PL-2005 (November 28, 2005) ("*MSV Letter*").

continues to use frequencies on its current system that were coordinated for use by MSV and MSV Canada under the 1999 SSA, 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. *Id.* at 2.⁴

On January 24, 2006, OET staff sent an e-mail to ARINC asking for a point of contact in the case of interference and requesting that ARINC narrow its request to specific L band frequencies rather than seeking authority to transmit throughout the entire L band.⁵ On February 22, 2006, ARINC responded to OET staff. *See ARINC Response*. ARINC stated that it can limit the frequencies to “those used by INMARSAT over North America,” but that it could not be more specific because it is “not privy to the frequency coordination arrangements governing the use of this band.” *Id.* ARINC also stated that MSV operates on a secondary basis in the upper L band because it allegedly is not interoperable with the Aeronautical Mobile Satellite (Route) Service (“AMS(R)S”). *Id.*

OET should require ARINC to specifically list the frequencies it will use for this test, as it has required of other applicants for experimental licenses to operate with Inmarsat satellites.⁶ ARINC should be able to obtain the specific frequencies it will use for this test from Inmarsat, as other experimental license applicants have done.⁷ OET has granted these applications subject to operation on only the specific frequencies requested.⁸ Absent specific frequency information, OET cannot decide that grant of this experimental license will not result in harmful interference because ARINC may use loaned frequencies or frequencies coordinated for MSV or MSV Canada. While ARINC commits to limiting its frequencies to “those used by INMARSAT over North America,” this is no comfort to MSV because Inmarsat is currently “using” loaned frequencies over North America that have been coordinated for MSV or MSV Canada. *See MSV Letter* at 1-2.

There is no basis for ARINC’s claim that MSV operates on a secondary basis in the upper L band because it allegedly is not interoperable with AMS(R)S. *See ARINC Response*. As an

⁴ The International Bureau has recently taken action towards terminating Inmarsat’s illegal use of loaned-but-recalled frequencies. *See, e.g., SkyWave STA Grant*, SES-STA-20051222-01788 (Call Sign E030055) (January 18, 2006), at ¶ 3. In doing so, the Bureau has defined “loaned” L band frequencies as “those bandwidth segments that were loaned to Inmarsat by MSV and MSV Canada, either as part of the Revised 1999 Spectrum Sharing Arrangement (October 4, 1999), or later as bilateral arrangements between Inmarsat and MSV and Inmarsat and MSV Canada.” *See id.*

⁵ *See* E-Mail from Anthony Serafini, FCC, to Christopher Wheatley, Aeronautical Radio Inc., File No. 0327-EX-PL-2005 (January 24, 2006).

⁶ *See, e.g.,* Application of HNS License Sub, LLC, File No. 0137-EX-ML-2005 (WD2XJU); Application of Inmarsat, Inc., File No. 0059-EX-PL-2006.

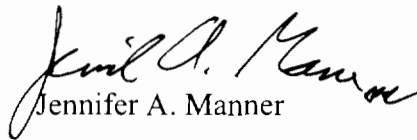
⁷ *Id.*

⁸ *Id.*

initial matter, the Commission in 2003 adopted a generic primary allocation to MSS throughout the upper L band, removing the sole primary allocation to AMS(R)S in certain segments of the upper L band.⁹ The Commission also retained footnote US308, which requires MSS systems to provide priority access with real-time preemptive capability to AMS(R)S in the band. MSV fully complies with these requirements. There is no requirement, as ARINC infers, for MSS systems to achieve intersystem preemption with other L band operators in order to maintain primary status in the band.

Please contact the undersigned with any questions.

Very truly yours,



Jennifer A. Manner

⁹ See *Amendment of Parts 2, 25, and 87 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Between 28 MHz and 36 GHz and to Otherwise Update the Rules in this Frequency Range, Report and Order*, ET Docket No. 02-305, FCC 03-269 (2003).

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, hereby certify that on this 10th day of March 2006, served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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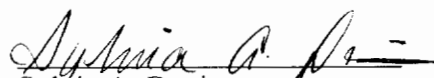
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