ORIGINAL

March 20, 2009

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

Re: TUV SUD America Product Service Inc.
File No. 0068-EX-PL-2009

Dear Mr. Burtle:

The above-referenced application by TUV SUD America Product Service Inc. ("Applicant") seeks an experimental license to operate equipment transmitting on a range of frequencies that include uplink frequencies authorized for and operationally in use by SkyTerra Subsidiary LLC ("SkyTerra") (i.e. the 1627-1644 MHz and 1647-1659 MHz bands). SkyTerra is the licensee of MSAT-2 and SkyTerra-1, United States satellites licensed by the FCC to provide Mobile Satellite Service ("MSS"). SkyTerra also provides MSS via MSAT-1, which is a Canadian satellite licensed to SkyTerra (Canada) Inc. The SkyTerra satellites are authorized to operate in the L band (1525-1544/1545-1559 MHz (downlink) and 1626.5-1645.5/1646.5-1660.5 MHz (uplink)), and provide, *inter alia*, critical communications services to public safety users.

Based on our review of the application, we believe that the proposed experimental operations present a potential risk of interference to SkyTerra's network. For example, the application indicates that there is a maximum transmit output power of 1 Watt (0 dBW) but does not state an ERP. Given a 1 Watt output power, an ERP that is greater than the 5 dBW ERP of many of SkyTerra's mobile terminals could be readily achieved. Such an ERP would result in an unacceptable C/I of 0 dB for SkyTerra signals that were co-frequency with the experimental transmissions. As an additional concern, the application does not provide sufficient technical information (e.g., duration, duty-cycle, frequency step size of the transmissions, antenna directivity, and local shielding) for SkyTerra to assess the full extent of the potential risk of interference, and SkyTerra's discussions with the Applicant regarding these matters provided inadequate clarification.

Accordingly, SkyTerra requests that the Office of Engineering and Technology impose the following license condition on any authorization issued to the Applicant with respect to the above-referenced application:

SkyTerra Subsidiary LLC ("SkyTerra") is authorized to operate a satellite network in the following L-band frequencies: 1525-1544/1545-1559 MHz (downlink) and 1626.5-1645.5/1646.5-1660.5 MHz (uplink). To reduce the potential risk of interference to SkyTerra's satellite system, the licensee will limit composite EIRP density in the 1626.5 – 1660.5 MHz band from the experimental transmitters to less than -15 dBW/4 kHz within 6° north or south of the geostationary arc between 101°W and 107.3°W. To protect SkyTerra's new satellites, which are expected to be operational in 2010, the licensee will limit the composite EIRP density in the 1626.5–1660.5 MHz band from the experimental transmitters to less than -33.1 dBW/4 kHz within 6° north or south of the geostationary arc between 101°W and 107.3°W. Additionally, prior to commencing experimental operations in this frequency band, the licensee shall notify SkyTerra and provide a point of contact.

Moreover, if the Applicant's transmissions cause harmful interference, the Applicant must immediately cease such transmissions, as required by the Commission's rules. *See* 47 C.F.R. § 5.85(c) (grant of all experimental authorizations are conditioned on not causing any harmful interference); *see also* 47 C.F.R. § 5.111.

Please contact the undersigned with any questions.

Randy S. Segal

Randy S. Segal
Senior Vice President and General Counsel
SKYTERRA SUBSIDIARY LLC
10802 Parkridge Boulevard
Reston, Virginia 20191
(703) 390-2700

CERTIFICATE OF SERVICE

I, Randy S. Segal, hereby certify that on this 20th day of March 2009, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

James Burtle*
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Joel Schneider
Senior EMC Engineer
19333 Wild Mountain Road
Taylors Falls, MN 55084

Jose Trevino*
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Randy S. Segal

*By hand delivery