

9. **Does the applicant request streamlined processing pursuant to 47 C.F.R. Section 63.12? If yes, include in Attachment 1 a statement of how the application qualifies for streamlined processing.**

Applicant qualifies for streamlined processing because: 1) it is not affiliated with a foreign carrier in a destination market; 2) it does not have affiliation with a dominant U.S. carrier whose international switched or private line services the Applicant seeks authority to resell (either directly or indirectly through the resale of another reseller's services); and 3) it does not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the provision of switched services over private lines.

11. **If the applicant is a foreign carrier, or is affiliated (as defined in 47 C.F.R. Section 63.09(e)) with a foreign carrier, provide in Attachment 1 the information and certifications required by Section 63.18(i) through (m).**

Not applicable

14. **[Section 63.18(h)] In Attachment 2, provide the name, address, citizenship and principal business of the applicant's ten percent or greater direct and indirect shareholders or other equity holders, and identify any interlocking directorates.**

The sole stockholder is

Don Winton
2800 N. Lakeshore Drive Apt 3300
Chicago, IL 60657

Principal business is long distance telecommunications sales.

15. **In Attachment 1, respond to paragraphs (d), (e)(4) and (g) of Section 63.18.**

Section 63.18 paragraph (d)

Applicant has not previously received authority under Section 214 of the Act.

Section 63.18 paragraph (e)(4)

{00050372;1}

Applicant is not applying for authority to acquire facilities or to provide services not covered by paragraphs (e)(1) through (e)(3) of Section 63.18.

Section 63.18 paragraph (g)

Applicant is not seeking facilities-based authority under paragraph (e)(4) of Section 63.18.

{00050372;1}

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Telenor Satellite, Inc.)	
)	
Application for Section 214 Authorization)	File No. ITC-214-20051005-00395
to Operate Mobile Earth Terminals with)	
Inmarsat 4F2 at 52.75°W)	

Petition to Hold in Abeyance and to Remove from Streamlined Processing

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby files this Petition to Hold in Abeyance and to Remove from Streamlined Processing the above-captioned application for Section 214 authority filed by Telenor Satellite, Inc. (“Telenor”) to provide Mobile Satellite Service (“MSS”) on a common carrier basis between the United States and all international points using mobile earth terminals (“METs”) operating with an unlaunched and uncoordinated Inmarsat-4 L band satellite. MSV urges the International Bureau (“Bureau”) to hold the application in abeyance and to remove it from streamlined processing until Telenor is authorized for a blanket MET license to operate these METs in the United States.

Background

MSV. MSV is the entity authorized by the Commission in 1989 to construct, launch, and operate a United States Mobile Satellite Service (“MSS”) system in the L band.¹ MSV’s licensed satellite (AMSC-1) was launched in 1995, and MSV began offering service in 1996. MSV is also the successor to TMI Communications and Company, Limited Partnership (“TMI”) with respect to TMI’s provision of L band MSS in the United States. Today, MSV offers a full

¹ *Order and Authorization*, 4 FCC Rcd 6041 (1989); *remanded by Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428 (D.C. Cir. 1991); *Final Decision on Remand*, 7 FCC Rcd 266 (1992); *aff’d, Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275 (D.C. Cir. 1993); *see also AMSC Subsidiary Corporation, Memorandum Opinion and Order*, 8 FCC Rcd 4040 (1993).

range of land, maritime, and aeronautical satellite services, including voice and data, using both its own U.S.-licensed satellite and the Canadian-licensed L band satellite licensed to Mobile Satellite Ventures (Canada) Inc. In January 2005, the Bureau licensed MSV to launch and operate an L band MSS satellite at 63.5°WL (called “MSV-SA”) to provide MSS in South America.² In May 2005, the Bureau licensed MSV to launch and operate a replacement L band MSS satellite at 101°WL (called “MSV-1”).³

Telenor Application. Telenor is a distributor of MSS provided by Inmarsat. In November 2001, the Commission authorized various entities, including Telenor’s predecessor, Comsat Mobile, to provide service in the United States using current-generation Inmarsat-3 satellites.⁴ In its above-referenced application, Telenor seeks Section 214 authority to provide MSS on a common carrier basis between the United States and all international points using Broadband Global Area Network (“BGAN”) METs operating with an unlaunched and uncoordinated Inmarsat-4 satellite that will be located at 52.75°W (called “Inmarsat 4F2”).⁵ Telenor has also filed an application for a Title III blanket MET license to operate these METs in the United States.⁶ The Bureau has not yet placed the blanket MET license application on *Public Notice*. Although not explained in its Section 214 application, Telenor in its blanket MET license application explains that the gateway earth stations to be operated with Inmarsat 4F2 will

² See *Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-50 (January 10, 2005) (“*MSV-SA Order*”).

³ See *Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (May 23, 2005) (“*MSV-1 Order*”).

⁴ See *COMSAT Corporation et. al., Memorandum Opinion, Order and Authorization*, 16 FCC Rcd 21661 (2001) (“*COMSAT Order*”).

⁵ See *Telenor Satellite, Inc., Application for Section 214 Authorization*, File No. ITC-214-20051005-00395 (October 5, 2005).

⁶ See *Telenor Satellite, Inc., Application for Blanket MET License*, File No. SES-LFS-20050930-01352 (September 30, 2005) (“*Telenor Blanket MET Application*”).

be located in The Netherlands and Italy. *Telenor Blanket MET Application*, Attachment A at 3. In its blanket MET license application, Telenor states that it has entered into a revised agreement with the Department of Justice (“DOJ”), the Federal Bureau of Investigation (“FBI”), and the Department of Homeland Security (“DHS”) to address the national security and law enforcement concerns presented by operation of the BGAN METs in the United States in conjunction with gateway earth stations located overseas. *Id.*, Additional Response to Item 43 at 6-7. Telenor has failed to provide a copy of this agreement in either its Section 214 or blanket MET applications.

Discussion

To provide MSS to customers in the United States using BGAN terminals in conjunction with the Inmarsat 4F2 satellite, Telenor will need to receive a blanket MET license in addition to the Section 214 authority requested here. While Telenor has applied for a blanket MET license, the Bureau has not acted on this application or even placed it on *Public Notice*. Consistent with precedent, the Bureau should not act on Telenor’s Section 214 application until it acts on Telenor’s related blanket MET license application.⁷ The Telenor blanket MET license application raises unresolved issues pertaining to the ongoing international L band frequency coordination process.⁸ Grant of Telenor’s Section 214 application prior to action on its related blanket MET application would be premature and would unfairly prejudice the outcome of the Bureau’s consideration of the related blanket MET license application.

⁷ In the past, when Telenor and other Inmarsat distributors applied for Section 214 and Title III blanket MET authorizations to operate METs in the United States with Inmarsat satellites, the Commission acted on both applications concurrently. *See Comsat Order*.

⁸ MSV will file in response to the Telenor blanket MET license application at the appropriate time after it appears on Public Notice.

Moreover, the Telenor Section 214 application raises critical national security and law enforcement issues that make the application ineligible for streamlined processing.⁹ While Telenor in its pending blanket MET license application (but not in its Section 214 application) states that it has reached a revised agreement with the Executive Branch to address the admitted national security and law enforcement concerns presented by its proposed operation of BGAN METs, it has not provided a copy of this revised agreement in the record of this proceeding or the related blanket MET application proceeding.¹⁰ Telenor's failure to provide a copy of the agreement it has reached with the Executive Branch deprives the Bureau and interested parties of vital information needed to assess whether grant of the Telenor Section 214 application will serve the public interest.¹¹ The Bureau should accordingly remove the Telenor Section 214 application from streamlined processing and assess whether Telenor has adequately addressed the national security and law enforcement concerns presented by its application.

⁹ See *1998 Biennial Regulatory Review, Report and Order*, FCC 99-51 (March 23, 1999), at ¶¶ 14-15. In reviewing other applications to provide MSS in the United States, the Executive Branch has expressed concern with the national security and law enforcement implications of routing MSS traffic through a gateway earth station located in a foreign country. See *TMI Communications and Company, Limited Partnership*, 14 FCC Rcd 20798, ¶ 55 (1999) ("*TMI Order*").

¹⁰ In other cases, applicants proposing to route MSS traffic through a gateway earth station located in a foreign country have been required to provide the Bureau with a copy of the agreement entered into with the Executive Branch. See, e.g., *TMI Order* (*supra* note 8); *Comsat Order* (*supra* note 4); *Motient Services Inc. and TMI Communications and Company, LP, Assignors, and Mobile Satellite Ventures Subsidiary LLC, Assignee, Order and Authorization*, DA 01-2732, 16 FCC Rcd 20469 (Int'l Bur. 2001).

¹¹ While the Commission has stated that it will defer to the expertise of the Executive Branch in identifying national security and law concerns, the application must provide the Bureau with the information it needs to perform its own independent public interest analysis by assessing whether national security and law enforcement efforts will be compromised by grant of the application. See *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration*, 12 FCC Rcd 23891, ¶¶ 61-62 (November 26, 1997).

Conclusion

MSV urges the Bureau to hold the Telenor Section 214 application in abeyance and remove it from streamlined processing until the Bureau acts on Telenor's related application for a blanket MET license to operate these METs in the United States.

Respectfully submitted,



Bruce D. Jacobs
David S. Konczal
**PILLSBURY WINTHROP
SHAW PITTMAN LLP**
2300 N Street, NW
Washington, DC 20037-1128
(202) 663-8000



Jennifer A. Manner
Vice President, Regulatory
**MOBILE SATELLITE VENTURES
SUBSIDIARY LLC**
10802 Parkridge Boulevard
Reston, Virginia 20191
(703) 390-2700

Dated: October 25, 2005

Declaration of Jennifer A. Manner

1. I am the Vice President, Regulatory of Mobile Satellite Ventures Subsidiary LLC.
2. I have read the foregoing Petition to Remove from Streamlined Processing and to Hold in Abeyance the application of Telenor Satellite, Inc. for Section 214 authorization to provide MSS on a common carrier basis between the United States and all international points using Broadband Global Area Network ("BGAN") METs operating with an unlaunched and uncoordinated Inmarsat-4 satellite.
3. I have personal knowledge of the facts stated in the Petition to Remove from Streamlined Processing and to Hold in Abeyance. The facts set forth in the Petition, other than those of which official notice may be taken, are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.



Jennifer A. Manner

Executed on October 25, 2005

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 25th day of October 2005, served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

James Ball*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Robert Nelson*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

JoAnn Ekblad*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

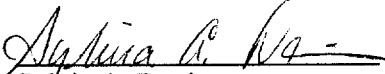
Keith H. Fagan
Telenor Satellite, Inc.
1101 Wootton Parkway
10th Floor
Rockville, MD 20852

Cassandra Thomas*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Fern Jarmulnek*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Andrea Kelly*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Scott Kotler*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554


Sylvia A. Davis

*By hand delivery

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