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December 8, 2004

Chairman Michael K. Powell
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Federal Communications Commission
Office of Secretary

Re: ATC Rulemaking, IB Docket No. 01-185
Applications of Mobile Satellite Ventures Subsidiary LLC
File No. SAT-MOD-20031118-00333
File No. SAT-AMD-20031118-00332
File No. SES-MOD-20031118-01879

Ex parte presentation

Dear Chairman Powell:

Satcom Direct is writing to express its concerns about issues raised in two related proceedings: (i) reconsideration of the Commission's Order authorizing "ATC" as an extension of Mobile Satellite Service (MSS) networks, and (ii) the Commission's review of the first authorization to implement ATC.

Satcom Direct is the preferred provider of Inmarsat Aeronautical services to the US Military. Satcom Direct urges the Commission to ensure that MSS services in the L-Band remain protected from ATC interference, and to preserve the ability to deploy new and innovative MSS services in all parts of the United States, urban, suburban and rural, now and in the future.

The rules that the Commission adopted to constrain ATC interference are under assault on two fronts. First, Mobile Satellite Ventures (MSV) has asked the Commission to revise its rules and allow MSV to significantly increase ATC interference in a manner that would substantially increase the zones around ATC base stations where Inmarsat terminals will no longer work, and in a manner that also could degrade or interrupt communications over Inmarsat spacecraft. Second, in granting the very first ATC license, the International Bureau granted waivers of certain of these rules and also placed a new burden on MSS operators to demonstrate, in a very short time frame, that they will be hurt by the deployment of an ATC base station.

The fact is that no one has identified a way to fully prevent ATC from generating interference into Inmarsat mobile terminals or Inmarsat spacecraft. The Commission's current

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ATC rules go a long way toward constraining ATC interference into MSS services, and it is essential that the Commission maintain and enforce those rules. Moreover, it is critical that the Commission maintain its current policies that (i) deviations from its ATC rules will be allowed only if it is demonstrated that the deviations will not increase ATC interference into MSS, (ii) ATC in the L-Band is to be phased in to allow time to study its real world effects, and (iii) if ATC does cause interference into MSS service, an ATC operator must immediately modify or discontinue its operations. There are two main reasons these protections and policies must be maintained.

First, the continued reliability of Inmarsat services is essential to the safety and security-related communications of many federal, state and local governmental agencies. Inmarsat MSS terminals were relied on in New York City following the September 11 attacks, and the Fire Department of New York has recently chosen Inmarsat terminals to support its emergency response communications. Inmarsat MSS service is relied on for these purposes because the system is independent of the terrestrial and cellular communications networks that may be unavailable or overwhelmed in an emergency. MSS-based safety and security-related communications simply cannot be at risk of ATC interference in the time of an emergency, when police, firefighters and other rescue personnel need reliable communications the most.

Second, we are just beginning to realize the potential for MSS to support broadband service across America, in urban, suburban, and rural areas alike. The Inmarsat-4 spacecraft that are about to be launched will support transmission rates of 432 kilobits per second—a rate competitive with planned 3G networks. It therefore is not difficult to imagine the new types of land mobile, aeronautical, and maritime MSS services that soon will be offered. Inmarsat's new BGAN land mobile service will support the extension of corporate communications networks, as well as facilitate the provision of high quality live video feeds and news gathering in urban areas. In addition, Inmarsat's new broadband aeronautical capabilities will provide the opportunity to augment the congested air traffic control system in the U.S., as well as offer communications services to the general aviation industry—commercial and private aircraft of all sizes. Inmarsat-4 thus provides a unique opportunity—in fact, the only opportunity—to provide “always-on” broadband services to airplanes, land mobile, and maritime users, regardless of their location.

The full potential of MSS broadband services can come to fruition only if the Commission looks forward, and develops ATC rules and policies that protect the future, rather than simply protecting past MSS technology. For these reasons, it is critical that Inmarsat land mobile, aeronautical and maritime terminals are protected from interference whenever they are operated in the vicinity of ATC base stations.

ATC, as a secondary, non-interfering service, should not be allowed to constrain the continued deployment of MSS throughout the United States. Unfortunately, the FCC has mistakenly assumed that (x) ATC will be deployed only in undefined urban areas, and (y) Inmarsat land mobile and aeronautical terminals will not be operated over or near those base stations. If Inmarsat or one of its U.S. distributors wants to protect its operations in the vicinity of an ATC base station that will operate at high power, it now has to do two things (i) make a showing at the FCC within a thirty day window that it likely will have a mobile user in the

vicinity of the base station, and (ii) coordinate with MSV to try to avoid the effects of ATC interference. If those efforts are not successful, Inmarsat MSS service might not be possible in the vicinity of that base station in the future.

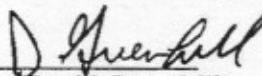
MSS subscribers reasonably expect that their terminals will work anywhere they need them to work. The Commission should not require MSS service providers to make advance showings in order to protect their operations in the vicinity of an ATC base station.

These proceedings raise very important policy issues and we urge the Commission to give them its fullest attention and protect MSS service as described above.

An original and seven copies of this letter are enclosed.

Respectfully submitted,

Satcom Direct

By: 
David Greenhill
VP

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
Ed Thomas, Chief, Office of Engineering and Technology
Donald Abelson, Chief, International Bureau
Marlene Dortch, Secretary