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January 31, 2005

Ms. Marlene Dortch  
 Secretary  
 Federal Communications Commission  
 445 Twelfth Street NW  
 Washington, DC 20554

JAN 31 2005

Federal Communications Commission  
 Office of Secretary

**Subject:** ATC Ruling IB Docket 01-185  
 Application of Mobile Satellite Ventures Subsidiary LLC  
 File No SAT-MOD-20031118-00333  
 File No SAT-AMD-20031118-00332  
 File No SES-MOD-20031118-01879

This letter is submitted by MSV Canada Inc. ("MSV Canada") in connection with the above-referenced proceedings.

MSV Canada is the owner and operator of the MSAT-1 satellite located at 106.5 West Longitude. MSV Canada operates this satellite pursuant to a space station authorization issued by Industry Canada, the regulatory authority in Canada responsible for issuing spectrum licenses and developing Canada's radio spectrum policies.

The controlling shareholder of MSV Canada is TMI Communications and Company, Limited Partnership ("TMI"), a Canadian limited liability partnership that is wholly owned by BCE Inc., a Canadian corporation. In addition to its ownership interest in MSV Canada, TMI is also a major investor in MSV LP, the parent company of the Applicant in the above-referenced proceeding, Mobile Satellite Ventures Subsidiary LLC ("MSV").

As the Commission is aware, MSV Canada, like its counterpart in the United States, has applied to Industry Canada for the authority to launch and operate a next generation mobile satellite system ("MSV-2") in the 107.3 WL orbital position which, in addition to providing a variety of MSS-based services, will also be supported by a fully integrated Ancillary Terrestrial Component ("ATC"). Since the next generation satellites of MSV and MSV Canada will be used to provide MSS services on both sides of the Canada/US border, MSV Canada has a direct interest in the outcome of the above-referenced proceedings.

MSV Canada is in receipt of a letter, dated 20 December 2004, which was submitted to the Commission by the Office of Communications ("Ofcom") in the United Kingdom.

In its letter, Ofcom states that it is concerned about issues "related to the operation of Ancillary Terrestrial Component (ATC) in the L-band, which are currently under consideration by the FCC". Specifically, the letter states that: "Ofcom is concerned, firstly that the recent Order and Authorisation for MSV to deploy ATC in L-band allows significant increases in the level of interference that may be received by the Inmarsat system, and secondly about proposals for even more dramatic relaxations to the established ATC limits in MSV's pending Petition for Reconsideration."

Without specifically identifying which aspects of the Commission's recent Order and Authorization raise interference concerns for Ofcom (and without providing any specific

justifications for those concerns), Ofcom then requests that the Commission "reconsider the decision to allow MSV relaxations of the ATC protection limits" that were established in the FCC's 2003 ATC Report and Order.

In the view of MSV Canada, this is a highly unusual request. To the best of MSV Canada's knowledge, Ofcom has not commissioned any studies which would justify the interference concerns that are referenced in its letter to the Commission, nor has it conducted any proceeding, investigations or issued any rulings into the feasibility of ATC operations in the L-band. Ofcom alleges that unacceptable interference will exist without itself having conducted an independent investigation into the matter.

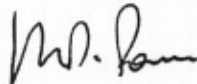
In the view of MSV Canada, this is what makes Ofcom's letter of 20 December 2004 so unusual. It appears that Ofcom has conducted an investigation into the operation of ATC systems in the L-band without ever having notified interested parties that it was planning to do so and without ever allowing interested parties to participate in a public proceeding relating to this investigation.

These actions stand in stark contrast to those of the FCC and Industry Canada, both of which have carried out open and transparent regulatory proceedings where interested parties were given the opportunity to comment on virtually all aspects of L-band ATC operations, including technical interference issues.

Industry Canada's findings are contained in a decision entitled *Spectrum and Licensing Policy to Permit Ancillary Terrestrial Mobile Services as Part of Mobile-Satellite Service Offerings* (the "ATC Decision").<sup>1</sup> This decision was rendered by Industry Canada after a full and thorough public consultation which involved, among other things, an independent technical study that was commissioned by Industry Canada that is publicly available on its website. The ATC Decision established protection limits for ATC operations in Canada which are more relaxed, in certain key instances, than those established by the FCC in its 2003 ATC Report and Order.

MSV Canada believes that the records of the FCC and Industry Canada proceedings provide a sound basis for the Commission to provide further flexibility for ATC systems in the United States. Furthermore, since MSS operators can be negatively impacted by asymmetries in the regulatory regimes of different countries, MSV Canada believes that it is in the best interest of all MSS systems for rules to be harmonized across jurisdictions to the extent possible. MSV Canada, therefore, urges the Commission to adopt the ATC limits requested by MSV in its Petition for Reconsideration.

Yours very truly,



Robert Power  
Vice-President, Regulatory Matters  
Mobile Satellite Ventures (Canada) Inc.

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<sup>1</sup> Industry Canada, *Spectrum and Licensing Policy to Permit Ancillary Terrestrial Mobile Services as Part of Mobile-Satellite Service Offerings*, May 2004.