

ORIGINAL
RECEIVED

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

JUN 22 2005

In the Matter of)	Federal Communications Commission
)	Office of Secretary
Mobile Satellite Ventures Subsidiary LLC)	File No. SAT-LOA-19980702-00066
)	File No. SAT-AMD-20001214-00171
Application for Authority to Launch and)	File No. SAT-AMD-20010302-00019
Operate an L-band Mobile Satellite Service)	File No. SAT-AMD-20031118-00335
Satellite at 101° W.L.)	File No. SAT-AMD-20040209-00014
)	File No. SAT-AMD-20040928-00014

Received

Petition for Clarification or Partial Reconsideration

JUN 28 2005

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby files this Petition for Clarification or Partial Reconsideration of the International Bureau’s (“Bureau”) decision granting MSV a license for a next-generation L-band Mobile Satellite Service (“MSS”) satellite at 101°W (“MSV-1”).¹ The Bureau’s grant is an important step in MSV’s development of a next-generation MSS system that will offer new and innovative services and that will far exceed the capabilities of current-generation MSS systems.² To ensure that MSV has the regulatory certainty and flexibility needed to fulfill this vision, the Bureau should clarify that the rule

Policy Branch
International Bureau

¹ See *Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (May 23, 2005) (“*Decision*”). In its application as originally filed in 1998, MSV applied to operate MSV-1 using up to 14 MHz (x2) of U.S.-coordinated L-band spectrum, consistent with the license for AMSC-1 at the time. See MSV, Application, File No. SAT-LOA-19980702-00066 (July 2, 1998), at 9. Subsequently, in February 2002, the Commission modified the license for AMSC-1 by limiting it to 10 MHz (x2) of U.S.-coordinated L-band spectrum. See *Upper and Lower L-band, Order*, IB Docket No. 96-132 (2002). In September 2002, MSV filed a Petition for Reconsideration of this decision, which is pending. See MSV, Petition for Clarification and Partial Reconsideration, IB Docket No. 96-132 (September 6, 2002). In its decision granting the MSV-1 license, the Bureau limited MSV-1 to operate using up to 10 MHz (x2) of U.S.-coordinated L-band spectrum and failed to mention MSV’s pending petition for reconsideration of the February 2002 decision. *Decision* at ¶ 14. MSV assumes that this was an oversight and that MSV-1, as a replacement for AMSC-1, will be permitted to operate on the full amount of spectrum for which AMSC-1 is permitted to operate.

² On June 17, 2005, MSV posted a \$3 million bond for this satellite as required by the Commission’s rules. See Letter from Jennifer A. Manner, Vice President, MSV, to Ms. Marlene H. Dortch, FCC, File No. SAT-LOA-19980702-00066 et al (June 17, 2005).

requiring Fixed Satellite Service (“FSS”) satellites to operate with a $\pm 0.05^\circ$ East-West station-keeping box does not apply to MSS satellites such as MSV-1 and, accordingly, MSV is permitted to operate MSV-1 with a $\pm 0.1^\circ$ East-West station-keeping box subject to coordination with other operators at 101°W .¹ To the extent that the Bureau deems this request to be for reconsideration rather than clarification, MSV asks that the Bureau treat it as such and reconsider its decision consistent with the views expressed herein.

Discussion

I. The Bureau Should Clarify that MSV May Operate Its Satellite With a Wider Station-Keeping Box

In MSV’s application, as amended in February 2004, MSV stated that it would operate MSV-1 with a $\pm 0.1^\circ$ East-West station-keeping box.³ At the time this application was filed, the Commission was considering a *Notice of Proposed Rulemaking* proposing to apply to MSS satellites the rule requiring FSS satellites to operate with a $\pm 0.05^\circ$ East-West station-keeping box.⁴ MSV accordingly requested a waiver of this rule only to the extent that the Commission were to amend the rule to apply to MSS satellites. *See MSV February 2004 Amendment* at 6, Technical Appendix at 16-17.⁵ In June 2004, the Commission adopted a decision in which it

³ *See MSV, Amendment, File No. SAT-AMD-20040209-00014* (filed February 9, 2004), at 16 (“*MSV February 2004 Amendment*”).

⁴ *See Mitigation of Orbital Debris, Notice of Proposed Rulemaking, IB Docket No. 02-54, FCC 02-80* (March 18, 2002).

⁵ MSV’s application was opposed by DIRECTV, Inc. and a group of FSS operators that claimed that operation of MSV-1 with a wider station-keeping box than other satellites at 101°W would make it more difficult to collocate satellites at this orbital location. *See Comments of DIRECTV, Inc., File No. SAT-AMD-20040928-00192* (November 8, 2004); *Opposition of PanAmSat Corporation, Intelsat LLC, SES Americom, Inc., File No. SAT-AMD-20040928-00192* (November 8, 2004). In response, MSV noted that it did not require a waiver of any Commission rule to operate its MSS satellite with a $\pm 0.1^\circ$ East-West station-keeping box and that, in any case, the unique mass of its satellite and the significant solar pressure on the satellite necessitated a wider station keeping box than other satellites. *See MSV, Response, File No.*

refrained from imposing a $\pm 0.05^\circ$ East-West station-keeping box on MSS satellites.⁶ As such, there is no rule requiring MSS satellites to operate with a $\pm 0.05^\circ$ East-West station-keeping box. In its decision granting a license for MSV-1, however, the Bureau held incorrectly that MSV requires a waiver of Section 25.210(j) of the Commission's rules (which mandates a $\pm 0.05^\circ$ East-West station-keeping box only for FSS satellites) in order to operate MSV-1 with a $\pm 0.1^\circ$ East-West station-keeping box. *Decision* at ¶ 21. The Bureau should clarify that MSV does not require a waiver of any Commission rule in order to operate MSV-1 with a $\pm 0.1^\circ$ East-West station-keeping box and that MSV can operate MSV-1 with this wider station-keeping box subject to coordination with other operators at 101°W .

Conclusion

MSV requests that the Bureau act consistently with the views expressed herein.

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: June 22, 2005

SAT-AMD-20040928-00192 (January 10, 2005), at 3-4 and Technical Appendix (“*MSV Response to DIRECTV et al*”).

⁶ See *Mitigation of Orbital Debris, Second Report and Order*, IB Docket No. 02-54, FCC 04-130 (June 21, 2004), at ¶ 44. MSV notes that all MSS satellites include an FSS payload for feeder link operations. The fact that the Commission specifically refrained from imposing a $\pm 0.05^\circ$ East-West station-keeping box on MSS satellites must necessarily include both the MSS and FSS payloads.

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 22nd day of June 2005, served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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

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

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

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

William M. Wiltshire
Michael D. Nilsson
Harris, Wiltshire & Grannis LLP
1200 Eighteenth Street, N.W.
Washington, D.C. 20036

James Butterworth
Senior Vice President
DIRECTV, Inc.
2230 E. Imperial Highway
El Segundo, CA 90245

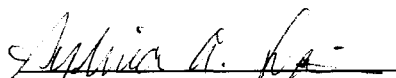
Kalpak Gude
Vice President & Associate General Counsel
PanAmSat Corporation
1801 K Street, N.W., Suite 440
Washington, DC 20006

Humberto Henriques
Director, Telecomm Policy and Regulations
INTELSAT LLC
3400 International Drive, N.W.
Washington, DC 20008

Nancy J. Eskenazi
Vice President & Associate General Counsel
SES Americom, Inc.
Four Research Way
Princeton, NJ 08540

Pantelis Michalopoulos
Steptoe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036

Counsel for EchoStar Satellite LLC


Sylvia A. Davis

*By hand delivery