

ORIGINAL

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of the)

Motient Services, Inc. and)

Mobile Satellite Ventures Subsidiary LLC)

Application for Assignment of Licenses)
And for Authority to Launch and Operate)
a Next Generation Mobile Satellite)
Service System)

File No. SAT-ASG-20010302-0017

Received

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Satellite Policy Branch
International Bureau

REPLY COMMENTS

SITA Information Networking Computing Canada, Inc. ("SITA") hereby briefly replies to the comments concerning that portion of Motient Services, Inc.'s ("Motient's") application seeking use of the L-band spectrum for terrestrial commercial mobile radio services ("CMRS").¹ While SITA takes no position on Motient's proposed assignment of its licenses in conjunction with the merger of Motient and TMI Communications and Company, L.P. ("TMI"), SITA does object to Motient's request to use the L-band for terrestrial services. In addition, SITA disagrees strongly with those terrestrial carriers that argued that Motient's application is a basis for re-allocating the L-band spectrum for terrestrial services such as 3G services. The Commission should deny Motient's request to use the L-band for terrestrial services, and the Commission should decline the terrestrial carrier's invitation to initiate a rulemaking to re-allocate the L-band.

¹ *Public Notice*, Report No. SAT-00066, released March 19, 2001.

SITA shares the concerns expressed by Inmarsat Ventures plc (“Inmarsat”) with regard to the potential for interference to Inmarsat’s operations and reduction in L-band satellite capacity that likely would be caused by Motient’s proposal to use the L-band for terrestrial operations.² As explained by Inmarsat, the expected millions of terrestrial subscribers operating in the L-band could cause unacceptable interference to Inmarsat’s subscribers, as well as degrade the ability of Inmarsat to re-use the frequencies in areas outside the United States.³ SITA uses the Inmarsat system to provide critical communications services to aircraft in flight, and would be adversely affected if interference occurred or if spectrum shortages resulted in insufficient capacity in the satellite system for the transmissions to get through successfully.

SITA also agrees with Inmarsat that Motient has not met the high burden of justifying a waiver of the Commission’s Rules, which do not provide for terrestrial operations in the L-band as proposed by Motient.⁴ In addition, several other parties demonstrated that Motient did not deserve a waiver of the Commission’s Rules for such non-conforming operations.⁵ As these commenters observed, Motient failed to show any unique or compelling circumstances or otherwise demonstrate how the public interest (as opposed to Motient’s interests) would be advanced by such a waiver.

² Partial Petition to Deny of Inmarsat Ventures plc, filed April 18, 2001.

³ *Id.* at pp. 6-11.

⁴ *Id.* at p. 6.

⁵ *E.g.*, Sprint Corporation Opposition at pp. 2-4 (April 18, 2001); Opposition of Cingular Wireless LLC at pp. 6-9 (April 18, 2001); ARINC Petition to Deny in Part at pp. 3-5 (April 18, 2001).

While SITA agrees with the CMRS commenters who oppose Motient's backdoor attempt to re-allocate (and license to Motient) the L-band spectrum for terrestrial services, SITA disagrees with those commenters' requests to the Commission to initiate a rulemaking to re-allocate the L-band spectrum from Mobile Satellite Service to 3G or some other CMRS offering.⁶ The Commission should not tar all of the MSS service providers with the technical problems or business shortcomings of Motient that they claim make it difficult to provide satellite services efficiently. SITA is currently using the Inmarsat system to provide aeronautical services to aircraft on international flights, and hopes in the near future to use the Inmarsat system to provide service to aircraft on domestic flights as well.⁷ Indeed, as Cingular Wireless recognizes, there are four systems in addition to Motient that are currently providing service to North America in the L-band.⁸ SITA does not believe that this spectrum is underutilized.

Equally important, this L-band spectrum is allocated *globally* for MSS, and thus particularly well suited for global services like the aeronautical services offered by SITA. Without such a global allocation, SITA could not ensure continuity of service as the aircraft go from country to country. Indeed, as AT&T Wireless acknowledges, the Commission must take into account consistency with international allocations when it is

⁶ Comments of CTIA at p. 3 (April 18, 2001); Comments of AT&T Wireless at p. 16 (April 18, 2001); Opposition of Cingular Wireless LLC at p. 9 (April 18, 2001); Sprint Corporation Opposition at p. 6 (April 18, 2001); Verizon Wireless at p. 4 (April 18, 2001).

⁷ SITA had filed an application early last year for Section 214 authority to provide service to aircraft in domestic flight using the Inmarsat system. *See* Public Notice, 2000 FCC LEXIS 3282 (June 28, 2000).

⁸ Opposition of Cingular Wireless at p. 2 (April 18, 2001).


considering domestic allocations.⁹ Thus, there is no reason for the Commission to even begin a proceeding to re-allocate the L-band MSS spectrum, because such a reallocation would be contrary to the public interest and inconsistent with international allocations.

For the reasons discussed above, SITA urges the Commission promptly to deny Motient's request to provide terrestrial CMRS services in the L-band spectrum allocated to MSS. In addition, SITA urges the Commission to deny the requests of the current terrestrial CMRS providers for initiation of a rulemaking to re-allocate the L-band from MSS to terrestrial service.

Respectfully submitted,

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⁹ Comments of AT&T Wireless at p. 16 (April 18, 2001), citing to 47 U.S.C. § 303(y).

CERTIFICATE OF SERVICE

I, Mary-Helen Dove, hereby certify that the foregoing Reply Comments were served by first-class mail, postage prepaid, this 30st day of April, 2001 on the following persons:

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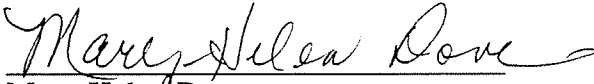
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