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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)
)
Motient Services Inc.)
and)
TMI Communications and Co., LP)
)
)
)
for Authority to Assign Their Earth Station,)
Space Station, 214, Special Temporary, and)
Pending Authorizations to)
Mobile Satellite Ventures Subsidiary LLC;)
and)
to Modify Their Earth Station and Space)
Station Authorizations as well as Their)
STAs and Pending Applications to permit)
MSV Sub to Use Canadian-Licensed)
Facilities; and)
to Launch and Operate a Next-Generation)
Mobile Satellite System.)

File Nos. SAT-ASG-20010302-00017

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SES-ASG-20010116-00097

SES-ASG-20010116-00098

Satellite Engineering Branch
International Bureau

SES-ASG-20010116-00099

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Satellite Policy Branch
International Bureau

To: Chief, International Bureau

COMMENTS OF
DEERE & COMPANY

Deere & Company ("Deere"), by its undersigned counsel and pursuant to Sections 1.45 and 25.154 of the Commission's rules, hereby files these comments to the Partial Petition to Deny of Inmarsat Ventures plc ("Inmarsat"). In reply, Deere presents additional reasons for Deere's opposition to the grant of the captioned merger and license modification applications of Motient Services, Inc. ("Motient") and TMI Communications and Co., LP ("TMI," and, collectively with Motient, "TMI/Motient"). Deere previously detailed its views on the adverse impact of a grant of the proposed merger on competition in the satellite services market, particularly in the absence of

the ability to access Inmarsat's international mobile satellite service ("MSS") space segment for non-core services.¹ In its Petition, Inmarsat raises its technical concerns about the adverse impact on L-band MSS of implementation of the TMI/Motient proposal for their terrestrial use of the L-band frequencies licensed for MSS only. Deere files these Comments in support of Inmarsat's Petition.

I. PROTECTION OF TMI/MOTIENT'S PRIVATE INTERESTS IS NOT THE COMMISSION'S ROLE.

Motient unblushingly requests an unlimited waiver of the Commission's Rules for modification of TMI/Motient's licenses so that spectrum currently licensed for MSS may instead be used by them on an exclusive basis to provide terrestrial service. This attempt to provide commercial mobile radio service ("CMRS") through the back door and without competition from other auction bidders or payment of spectrum fees,² is, of course, a proposal that would benefit TMI/Motient alone. In yet another example of its anti-competitive, monopolistic behavior, Motient demonstrates that it believes that it has an inalienable right to do, and to force the Commission to do, whatever Motient wants, regardless of whether that is consistent with the Commission's Rules or the terms of Motient's spectrum license and allocation, and regardless of whether that is in the public interest. Whatever Motient may believe, however, protection of Motient's financial viability and private interests at all costs and on Motient's terms is not the Commission's mission.³

¹See *Petition to Deny of Deere & Company*, filed on April 18, 2001.

²See, for example, *Comments of the Cellular Telecommunications and Internet Association*, filed April 18, 2001; *Comments of AT&T Wireless Services, Inc.* filed April 18, 2001; *Opposition of Verizon Wireless*, filed April 18, 2001; *Opposition of Sprint Corporation*, filed April 18, 2001; *Petition to Deny in Part of ARINC*, filed April 18, 2001.

³Chairman Powell has long indicated his strong preference for letting the market sort out winners and losers. In 1998 he said: "We should not dare to pick technology winners or losers, whether consciously or unconsciously." (Commissioner Michael K. Powell, "Technology and Regulatory

II. AUTHORIZATION OF TMI/MOTIENT'S PROPOSED TERRESTRIAL MOBILE SERVICES COULD SEVERELY IMPAIR ALL MSS OPERATIONS AND IS THEREFORE CONTRARY TO THE PUBLIC INTEREST.

Deere is an end-user of MSS for a technologically advanced "precision farming" application. As such, Deere is greatly concerned that a grant of the proposed merger and waiver could imperil MSS, either directly by effectively re-allocating spectrum necessary for MSS to CMRS use, or indirectly by technical impairment of all MSS service.

As set forth in pleadings filed with respect to Deere's applications for Inmarsat access,⁴ Deere currently has no legally available alternative to use of Motient's MSS data transport services for its GreenStar™ precision farming system. Fanatically jealous of protecting its MSS monopoly, Motient has strenuously opposed Deere's applications to receive also in the U.S. the Inmarsat MSS feed to which Deere has already subscribed for use in the rest of the Americas.⁵ Now, apparently, Motient proposes not only to preclude Deere's use of Inmarsat service but also even Deere's use of Motient's own MSS.

Thinking: Albert Einstein's Warning," speech before the Legg Mason Investor Workshop, March 13, 1998.) Chairman Powell reiterated his aversion to picking winners in his first press conference upon being nominated as Chairman. See David Rohde, *Powell Boosts Technology – For Real*, NETWORK WORLD, Feb. 12, 2001.

⁴*In re Deere & Company Application for Blanket Authority to Operate up to 10,000 Non-Common Carrier, Receive-Only Domestic Mobile Earth Stations in the United States Using Inmarsat II, F2 Satellite*, SES-LIC-20010112-00051 ("Deere Application"); *In re Application of Deere & Company for Special Temporary Authority for Certain Receive-Only Mobile Earth Stations*, SES-STA-20010112-00046; *denied sub nom.* Letter to Deere from Thomas S. Tycz, Chief, Satellite and Radiocommunication Division, International Bureau, dated Mar. 2, 2001; Petition for Reconsideration pending ("STA Application").

⁵*In the Matter of Deere & Company Application for STA*, SES-STA-20010112-00046, Petition to Deny of Motient Services, Inc., filed Jan. 24, 2001; Opposition to Petition for Reconsideration of Motient Services, Inc., filed Apr. 4, 2001. See also *In the Matter of Deere & Company for Authority to Access Inmarsat*, SES-LIC-20010112-00051, Petition to Deny of Motient Services, Inc., filed Mar. 9, 2001. See also Letter of Motient Services Inc., requesting denial of authority for Deere and four other applicants to use Inmarsat, filed Mar. 20, 2001. See also *In the Matter of Inmarsat Ventures plc Request for Extension of Time*, Opposition of Motient Services Inc. filed Apr. 27, 2001.

Use of Motient MSS is currently Deere's only option. As Inmarsat has demonstrated,⁶ however, allowing Motient to convert the existing MSS L-band allocation to terrestrial mobile service is likely to lead to such high levels of aggregate interference with and degradation of Motient's own MSS signal that transmissions will fail to provide the reliable and uninterrupted dataflows critical to Deere and to the U.S. farmers who rely upon the GreenStar™ precision farming system.

Moreover, TMI/Motient's claim that it can operate both satellite and terrestrial units without the need for additional spectrum is simply untrue.⁷ By introducing additional interference into the band from terrestrial mobile units, TMI/Motient's proposed L-band terrestrial service would effectively preclude other operators from using the already limited amount of L-band spectrum available to MSS.⁸ Inmarsat has shown that implementation of TMI/Motient's terrestrial use proposal would cause harmful co-channel uplink interference adversely affecting all L-band MSS.⁹ Moreover, use of TMI/Motient's proposed terrestrial terminals not only would

⁶*In the Matter of Motient Services Inc. and TMI Communications & Company, LP Application for Assignment of Licenses to Mobile Satellite Ventures Subsidiary LLC, SAT-ASG-20010302-00017, Partial Petition to Deny of Inmarsat Ventures, plc, and Technical Attachment, filed Apr. 18, 2001 [hereafter "Inmarsat Partial Petition to Deny"]*.

⁷*Inmarsat Partial Petition to Deny.*

⁸As this Commission knows, the shortage of available L-band spectrum is chronic and long-standing. Motient itself has repeatedly complained of congestion in the L-band, contending that it has insufficient spectrum to meet its needs. Motient has repeatedly asserted that other MSS operators' use of the available capacity is inefficient and should be curtailed. In view of Motient's terrestrial use proposal, however, it appears that Motient intended that this suggestion apply to *other* MSS operators -- *not to Motient*. Given that there simply is already *no spectrum to spare* in the L-band for MSS services, much less enough to accommodate also the type of large-scale terrestrial mobile network that Motient envisions, the Commission should deny Motient's application.

⁹*Inmarsat Partial Petition to Deny, Technical Attachment.*

degrade co-channel uplink reuse, but also would block downlinks to MSS terminals in adjacent frequency bands by overloading the sensitive receiving amplifiers of such terminals.¹⁰

TMI/Motient's terrestrial use of the L-band MSS spectrum therefore not only would impair Motient's own MSS, but also would seriously reduce the *total availability of spectrum for all MSS operators*. Thus, even if Deere is, despite Motient's vociferous objections, at last authorized to use the international Inmarsat MSS, the current high reliability and utility of the Inmarsat service could by then have been compromised by TMI/Motient's terrestrial operations.

In view of the substantial harm that would be inflicted upon all existing L-band operators and their customers thereby, there can be no justification for transforming the current MSS spectrum allocation into spectrum for Motient's exclusive terrestrial use. The net result of implementation of TMI/Motient's proposals would be to deny end-users the MSS they now use and rely upon for critical applications. Those suffering from this service impairment could include even the public safety users that have submitted Motient-template based letters of support for the proposed TMI/Motient merger¹¹ in the expectation that its approval by the FCC would promote the continuation of the Motient MSS.

Causing interference to an existing service, particularly when public safety users are involved, is clearly inimicable to the public interest.¹² Given that TMI/Motient's proposed

¹⁰Inmarsat has noted that its service to Latin America could well be impaired by implementation of Motient's proposal for terrestrial use of the L-band MSS frequencies. *Inmarsat Partial Petition to Deny*, page 8. Deere's GreenStar™ service is offered throughout the Americas, as well as throughout the world, so the international adverse consequences of implementation of the Motient proposal are also of great concern to Deere.

¹¹*In the Matter of Motient Services Inc. and TMI Communications & Company, LP Application for Assignment of Licenses to Mobile Satellite Ventures Subsidiary LLC*, SAT-ASG-20010302-00017, Comments of the City of Miami, filed Apr. 4, 2001; Comments of Montrose County, Colorado, filed Apr. 10, 2001; and Comments of the Dept. of Social and Health Services, State of Washington, filed Mar. 29, 2001.

¹² See, e.g., *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules*, Second Report and Order, 15 FCC Rcd. 5299, at paras. 16, 22 (2000).

terrestrial use of the L-band MSS frequencies would jeopardize the quality and availability not only of Motient's own domestic MSS but also of the international MSS provided by Inmarsat and others, there is no justification for allowing terrestrial use by TMI/Motient of scarce L-band frequencies allocated only for MSS.

III. TMI/MOTIENT'S TERRESTRIAL OPERATIONS COULD BLOCK RECEPTION OF GPS SIGNALS THAT ARE ESSENTIAL TO MILLIONS OF USERS, INCLUDING DEERE'S GREENSTAR™ SYSTEM FARMER CUSTOMERS.

In addition, as described by Inmarsat,¹³ the level of transmitted power from Motient's terrestrial base stations may be sufficient to block reception of the satellite navigation signals in the adjacent Global Positioning System ("GPS") band by overloading the sensitive receiving amplifiers of the GPS terminals. Deere's GreenStar™ system uses data transmitted over the L-band to refine the less precise positioning data widely available from the GPS service, and thus GPS data is a fundamental input of the GreenStar™ system. Blockage of the GPS signal would have a substantial adverse effect on Deere and its farmer customers in the U.S. and possibly other parts of the world -- as well as on millions of other users dependent on applications that rely on the GPS service. Such impairment of GPS service, even absent the other technical harm that would result, in itself warrants rejection of TMI/Motient's proposed terrestrial use of the L-band spectrum.

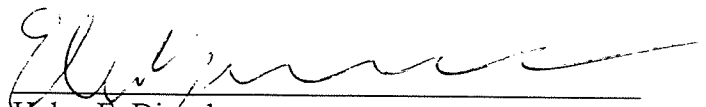
CONCLUSION

Not for the first time, Motient calls on this Commission to ignore its governing laws and established regulations to accord preferential treatment to Motient. As this Commission has found, however, "the Commission's statutory responsibility is to protect competition, not

¹³*Inmarsat Partial Petition to Deny* at 10 & 12.

competitors.”¹⁴ Ensuring Motient’s financial viability is insufficient justification for allowing Motient to make extensive (and exclusive) terrestrial use of MSS L-band frequencies that could seriously impair both MSS and GPS service. Deere therefore urges the Commission to deny forthwith TMI/Motient’s applications to modify their authorizations to permit their offering of terrestrial services using the L-band frequencies assigned to Motient only for MSS.

Respectfully submitted,
DEERE & COMPANY



Helen E. Disenhaus
Eliot J. Greenwald
Grace R. Chiu

Its Attorneys

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116
(202) 424-7500

May 7, 2001

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¹⁴*In re Application for Transfer of Control of ALASCOM, Inc. from Pacific Telecom, Inc. to AT&T Corporation*, 11 FCC Rcd 732, 758 ¶56 (1995).

05/07/2001 13:31 31873077484 NAVCOM TECHNOLOGY

VERIFICATION OF WILLIAM PETER WILLIAMS

I, William Peter Williams, do hereby verify and state:

I am Director, Marketing for NavCom Technology Inc. ("NavCom"), a wholly owned subsidiary of Deere & Company.

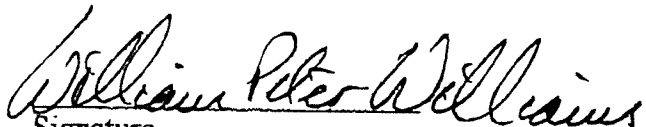
My business address is 123 West Torrance Boulevard, Suite 101, Redondo Beach, CA 90277.

I hold a Bachelor of Science in electrical engineering and a Doctorate in Electronic Engineering, both from the University of Nottingham, England.

I have reviewed the attached "Comments of Deere & Company" and hereby verify that the factual statements contained therein are true and correct.

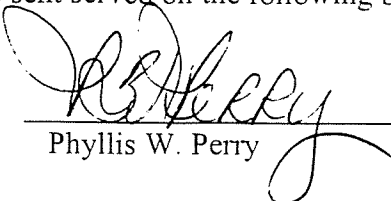
I verify under penalty of perjury that the foregoing is true and correct.

Executed on May 7, 2001.


Signature

CERTIFICATE OF SERVICE

I, Phyllis W. Perry, hereby certify that on this 7th Day of May 2001, I caused a copy of the foregoing Comments of Deere & Company to be sent served on the following by U.S. Mail or hand delivery to the attached list of recipients.



Phyllis W. Perry

Michael K. Powell, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

John Coles
Satellite Policy Branch
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Susan Ness, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Harold W. Furchtgott-Roth, Commissioner
International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

James L. Ball
International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Gloria Tristani, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

John I. Riffer
Officer of General Counsel
Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

Tom Tycz
Chief
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Kelly Cameron
Robert Galbreath
Power Goldstein Frazer & Murphy, L.L.P.
1001 Pennsylvania Avenue, N.W.
6th Floor
Washington, D.C. 20004

Rebecca Arbogast
Chief
Telecommunication Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

Karl Kensinger
Special Advisor
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Claudia Fox
Policy and Facilities Branch
Telecommunications Division
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Ronald Repasi
Chief
Satellite Engineering Branch
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Sylvia Lam
Satellite Engineering Branch
Satellite & Radiocommunication Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Terrence Reideler
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Lon C. Levin
Vice President and Regulatory Counsel
Motient Services Inc. and Mobile Satellite
Ventures Subsidiary LLC
10802 Parkridge Boulevard
Reston, VA 20191

Bruce D. Jacobs
David S. Konczal
Shaw Pittman
2300 N Street, N.W.
Washington, DC 20037

International Transcription Services, Inc.
455 12th Street, SW
Room CY-B402
Washington, D.C. 20554

Thomas J. Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Herbert Zeiler
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Cheryl A. Tritt
Charles Kennedy
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C.

Lawrence H. Williams
Suzanne Hutchings
New ICO Global Communications
(Holdings) Ltd.
1730 Rhode Island Avenue, N.W.
Suite 1000
Washington, D.C. 20036

Michael F. Altschul
Senior Vice President, General Counsel
Cellular Telecommunications
& Internet Association
1250 Connecticut Avenue, NW
Suite 800
Washington, D.C. 20036

Mary Ellen Warlow
Acting Deputy Assistant Attorney General
Criminal Division
DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Gregory C. Staple
Vinson & Elkins L.L.P.
1455 Pennsylvania Avenue, NW
Washington, DC 20004-1008

Cassandra Thomas
Satellite and Radiocommunication Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Fern Jarmulnek
Senior Legal Advisor
Satellite and Radiocommunication Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Jennifer Gilson
Satellite and Radiocommunication Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Luisa L. Lancetti
Jay C. Keithley
Roger C. Sherman
Sprint Corporation
401 9th Street, N.W. Suite 400
Washington, D.C. 20004

J.R. Carbonell
Carol L. Tacker
David G. Richards
Cingular Wireless LLC
5565 Glenridge Connector
Suite 1700
Atlanta, GA 30342

John L. Bartlett
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006-2304

John C. Smith, Esq.
Aeronautical Radio, Inc.
2551 Riva Road
Annapolis, MD 21401

Howard J. Symons
Sara F. Leibman
Catherine Carroll
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004

Douglas I. Brandon
David P. Wye
AT & T Wireless Services, Inc.
1150 Connecticut Avenue, N.W.
Fourth Floor
Washington, D.C. 20036

Kathleen O'Brien Ham, Deputy Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Jim Schlichting, Deputy Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Anna M. Gomez, Deputy Chief
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

John T. Scott, III
Vice President and Deputy
General Counsel - Regulatory Law
Verizon Wireless
1300 I Street, N.W., Suite 400W
Washington, D.C. 20005

Donald C. Brittingham
Director -- Spectrum Policy
Verizon Wireless
1300 I Street, N.W., Suite 400W
Washington, D. C. 20005

Julius P. Knapp, Chief
Policy and Rules Division
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Tara K. Giunta, Esq.
Timothy J. Logue
Space & Telecommunications Analyst
Courdert Brothers
1627 I Street, N.W.
Washington, D.C. 20006