

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

In the Matter of)
)
INMARSAT HAWAII INC.) File No. SAT-LOI-20140326-00034
)
Letter of Intent Seeking Authority to Access
the U.S. Market Using a Ka-Band Satellite
at the Nominal 63° W.L. Orbital Location

PETITION FOR IMPOSITION OF CONDITIONS

In the above-referenced Letter of Intent (“LOI”) application, Inmarsat Hawaii Inc. (“Inmarsat”) requests authority to serve the U.S. market via a Ka-band satellite to be launched and operated by Inmarsat at 63° W.L.¹ Telesat Canada (“Telesat”) hereby requests that the Commission, if it grants Inmarsat’s application, require that Inmarsat cease providing service to the United States from 63° W.L. once a Ka-band satellite network that has higher ITU priority is placed into operation at that orbital location. Telesat demonstrates below that imposing this condition would be in keeping with the regulatory framework the Commission has established for providing U.S. market access to non-U.S. licensed satellites.

In its *Space Station Licensing Reform Order*,² the Commission stated that when it is presented with requests for U.S. market access from operators of non-U.S. licensed

¹ References in this petition to 63° W.L. are to the nominal orbital location of 63° W.L.

² *In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies; Mitigation of Orbital Debris, First Report and Further Notice of Proposed Rulemaking in IB Docket No. 02-34, and First Report and Order in IB Docket No. 02-54*, 18 FCC Rcd 10760 , 10871-72, ¶ 296 (2003)(“*Space Station Licensing Reform Order*”).

satellites, it will take into account the impact of the ITU coordination process.³ If U.S. market access is sought in an FCC application for a non-U.S. licensed satellite, and if the non-U.S. licensed satellite will operate under an ITU satellite network that has lower ITU priority than the ITU satellite network associated with another non-U.S. licensed satellite, the applicant either must show that it has coordinated with the higher priority satellite network or must accept a condition under which “the lower priority satellite would be required to cease service to the U.S. market immediately upon launch and operation of the higher priority satellite.”⁴

This policy is directly applicable to Inmarsat’s LOI application. Inmarsat has requested U.S. market access for its satellite at 63° W.L. Inmarsat’s satellite is non-U.S. licensed; as stated in the application, the satellite will be launched and operated under the authority of the United Kingdom. Telesat at present operates the Ka-band payload of its Nimiq 2 satellite at 63° W.L., and Telesat has plans to launch and operate a different Ka-band satellite at 63° W.L., under the authority of the Isle of Man,⁵ and to seek U.S. market access for the satellite. The United Kingdom satellite network under which Inmarsat’s satellite will operate has lower ITU priority than the Isle of Man satellite network under which Telesat’s satellite will operate,⁶ and Inmarsat has not successfully coordinated its lower priority 63° W.L. satellite network with Telesat’s

³ *Space Station Licensing Reform Order*, at ¶ 295-296.

⁴ *Space Station Licensing Reform Order*, at ¶ 296.

⁵ The Isle of Man is a self-governing British Crown Dependency. The United Kingdom regulatory authority, OFCOM, acts on behalf of the Isle of Man government before the ITU.

⁶ Telesat has higher ITU priority by virtue of a filing for its network, IOMSAT-KA-63W, that was submitted by OFCOM on behalf of the Isle of Man and was received by the ITU-BR on February 4, 2009. The filing submitted by OFCOM for Inmarsat’s network, INMARSAT-KA-63W, was not received by the ITU-BR until February 6, 2011.

higher priority 63° W.L. satellite network. Under the policy the Commission adopted in the *Space Station Licensing Reform Order*, Inmarsat should be “required to cease service to the U.S. market [from 63° W.L.] immediately upon launch and operation of” a satellite that will operate under Telesat’s higher priority ITU satellite network.

Accordingly, and for the reasons stated herein, if the Commission grants Inmarsat’s LOI application, it should require that Inmarsat cease providing service once Telesat’s Ka-band satellite is placed into operation at 63° W.L.

Respectfully submitted,

TELESAT CANADA

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April 21, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2014, a copy of the foregoing Petition to Impose Conditions was sent by first-class, United States mail to the following:

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