

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	)	

**OPPOSITION OF INMARSAT HAWAII INC.**

Inmarsat Hawaii Inc. (“Inmarsat”) submits this opposition to the Petition for Imposition of Conditions (“Petition”) filed by Telesat Canada (“Telesat”) in connection with the above-referenced application (“Application”), in which Inmarsat seeks authority to access the U.S. market using a Ka-band satellite that will operate under the authority of the United Kingdom from 63° W.L.<sup>1</sup> and provide a wide range of broadband satellite communications services. Allowing the provision of these satellite services would promote the Commission’s goals of expanding the availability of cost-effective broadband services, and enhance the availability of competitive choices for a broad array of users, including government, military and public safety agencies.

The conditions proposed by Telesat, in stark contrast—requiring that Inmarsat cease service if and when Telesat ever serves the United States at Ka band from 63° W.L.—would serve only to “inject elements of the ITU coordination process into any grant of market

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<sup>1</sup> References herein to 63° W.L. are to the nominal location.

access,”<sup>2</sup> and thus provide advantages to Telesat in that process in a manner not contemplated by Commission policy.

Telesat’s plans for 63° W.L. are vague, at best. Telesat does not seek authority to serve the U.S. using Nimiq-2 at 63° W.L. and does not intend to seek U.S. market access until it launches a new Ka-band satellite into 63° W.L. under the authority of the Isle of Man at some unspecified time in the future.<sup>3</sup> Telesat claims that its potential follow-on Ka-band satellite that it might operate in the future would have ITU date priority over Inmarsat’s Ka-band network at 63° W.L. Based on this assertion, Telesat argues that imposing conditions that seek to protect Telesat’s ability to serve the United States at an unspecified future date with another unidentified satellite using any and all portions of the Ka band somehow would be “in keeping with the regulatory framework the Commission has established.”<sup>4</sup> To the contrary, under the circumstances at issue, Telesat’s request not only appears inconsistent with Commission policies, but also appears premature.

As an initial matter, the “first-come, first-served” regulatory framework that the Commission adopted was intended to reduce the amount of time spectrum lies fallow and speed the deployment of service to consumers.<sup>5</sup> It was not intended as a process by which one non-

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<sup>2</sup> See *Hughes Network Systems, LLC, Letter of Intent Seeking Access to the United States Market*, Declaratory Ruling, 26 FCC Rcd 8521 ¶ 24 (2011) (“*Hughes Market Access Order*”).

<sup>3</sup> Telesat Canada, Petition for Imposition of Conditions, File No. SAT-LOI-20140326-00034, at 2 (filed Apr. 21, 2014).

<sup>4</sup> *Id.* at 1.

<sup>5</sup> See, e.g., *Amendment of the Commission’s Space Station Licensing Rules and Policies*, First Report and Order, 18 FCC Rcd 10,760 ¶¶ 6, 74 (2003) (“*Space Station Licensing Reform Order*”) (adopting first-come, first-served procedures for processing of GSO-like satellite applications and other streamlined procedures to enable faster and more efficient processing of applications,

U.S.-licensed system with inchoate plans could seek to hinder the actual deployment of another non-U.S.-licensed system that intends to serve the United States. In this respect, it bears emphasis that Telesat has just about one year to bring into use a network under the Isle of Man ITU filing,<sup>6</sup> and has indicated no specific plan to do so in that time frame. Thus, the circumstances that Telesat describes—a conflict between the U.S. operations of its system with Inmarsat’s system—do not appear to be anything but a theoretical possibility.

Moreover, Telesat misconstrues the Commission’s statement in the *Space Station Licensing Reform Order*<sup>7</sup> with respect to market access requests from two or more non-U.S.-licensed satellite operators licensed by different administrations. In that order, the Commission addressed a circumstance where it had *already granted* U.S. market access to an unlaunched system that had ITU priority over a subsequent applicant with lower ITU priority. In such a case, the Commission indicated that it intended to grant U.S. market access to the lower priority system, but would require that system to cease serving the United States if it had not successfully coordinated with the higher priority network that (i) had been launched, and also (ii) had been granted U.S. market access. Those factual circumstances simply are not presented by Telesat in this case.

Further, the Commission has declined to impose the type of condition Telesat requests in cases, as here, where the relevant administrations have not completed the requisite

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benefiting consumers by getting services faster and leading to more efficient spectrum usage by reducing the amount of time spectrum lies fallow).

<sup>6</sup> Telesat indicates that its coordination request for IOMSAT-KA-63W was received by the ITU-BR on February 4, 2009. The ITU’s database indicates that this filing will expire on August 4, 2015.

<sup>7</sup> *Space Station Licensing Reform Order* at ¶ 296.

international coordination of the networks at issue. Specifically, the Commission has determined that it is unnecessary and premature to specify conditions that could apply only if (i) the respective administrations fail to complete coordination, and (ii) one or both networks actually are placed into operation to serve the United States.<sup>8</sup> Consistent with Commission policy, Inmarsat accepts the “risks inherent in international coordination process” in seeking U.S. market access,<sup>9</sup> and no “special” conditions of the type sought by Telesat are warranted.

For the foregoing reasons, Telesat’s request to impose a condition on Inmarsat’s grant of market access is unwarranted. Inmarsat respectfully requests that the Commission dismiss Telesat’s Petition and decline to impose the requested condition.

Respectfully submitted,

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/s/

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<sup>8</sup> See *Hughes Market Access Order* at ¶ 26 (declining to impose conditions requested by Ciel on a grant of market access authority to Hughes, including a condition that Hughes cease service to the U.S. market upon launch and operation of a satellite with higher ITU priority prior to the completion of the coordination process).

<sup>9</sup> *Id.* at n.65.

