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February 7, 2006

VIA HAND DELIVERY

RECEIVED

FEB - 7 2006

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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Policy Branch

Re: Request for Confidential Treatment

In the matter of Application of Mobile Satellite Ventures Subsidiary LLC for Modification of License to Operate an Ancillary Terrestrial Component

- File Nos.:
- SAT-MOD-20051104-00212
 - SAT-MOD-20051104-00211
 - SES-MOD-20051110-01561
 - SES-MOD-20051104-02556

Dear Ms. Dortch:

Pursuant to Sections 0.457 and 0.459 of the Commission's rules,¹ Inmarsat Ventures Limited ("Inmarsat") respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed confidential version of the Reply of Inmarsat Ventures Limited ("Reply") in the above matter.

Concurrently with the filing of this letter, Inmarsat has separately filed a redacted, public version of the Reply. Certain text in the Reply and Exhibits B and C to the Reply contain information that should be treated as confidential. Specifically, Exhibit B of the enclosed confidential version contains information regarding L-Band spectrum usage that Inmarsat and other parties to the 1996 Mexico City Memorandum of Understanding ("Mexico City MoU") have agreed to maintain confidential, and it contains references to pleadings regarding the Mexico City MoU made by MSV for which MSV has sought confidential treatment under the Commission's Rules. As the Commission has previously recognized, information pertaining to the Mexico City MoU and related coordination documents is entitled to confidential treatment.² Additionally, Exhibit C contains calculations and technical analysis based on the 1992 bilateral

¹ 47 C.F.R. §§ 0.457 and 0.459.

² See *Comsat Order*, 16 FCC Rcd 21661, 21710 at ¶ 107 (2001).

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agreement between Inmarsat and the United States, which the parties have agreed to maintain confidential ("1992 Bilateral Agreement").

This confidential commercial information falls squarely within Exemption 4 of the Freedom of Information Act ("FOIA").³ Exemption 4 of FOIA provides that the public disclosure requirement of the statute "does not apply to matters that are . . . trade secrets and commercial or financial information obtained from a person and privileged or confidential."⁴ This commercial information is "confidential" under Exemption 4 of FOIA because Inmarsat is voluntarily providing this information, which is "of a kind that would not customarily be released to the public by the person from whom it was obtained."⁵

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, Inmarsat provides the following information.⁶

First, Inmarsat seeks confidential treatment of the information relating to the 1992 Bilateral Agreement, the Mexico City MoU and information relating to the MSS operations of Inmarsat and other L-Band operators contained within the Reply, attached hereto.⁷

Second, the Reply relates to the matter of the Application of Mobile Satellite Ventures Subsidiary LLC for Modification of License to Operate an Ancillary Terrestrial Component, File Nos. SAT-MOD-20051104-00212, SAT-MOD-20051104-00211, SES-MOD-20051110-01561 and SES-MOD-20051104-02556.⁸

Third, the Reply contains confidential information about international spectrum coordination matters.⁹ The Commission has previously recognized that information pertaining to the Mexico City MoU and related coordination documents is entitled to confidential treatment.¹⁰

Fourth, the information provided in the Reply is directly related to a competitive service for which confidentiality is warranted.¹¹ Inmarsat is the operator of a mobile satellite

³ 5 U.S.C. § 552(b)(4).

⁴ *Id.*

⁵ See, e.g., *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

⁶ 47 C.F.R. § 0.459(b).

⁷ See 47 C.F.R. § 0.459(b)(1) (identification of the specific information for which confidential treatment is sought).

⁸ See 47 C.F.R. § 0.459(b)(2) (identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission).

⁹ See 47 C.F.R. § 0.459(b)(3) (explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged).

¹⁰ See *Comsat Order*, 16 FCC Rcd 21661, 21710 at ¶ 107 (2001).

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system that is used throughout the world, including North America. Other entities have satellite systems that are competitive to Inmarsat's MSS system.

Fifth, the information contained in the Response is not of the type released to the public by Inmarsat.¹² The confidential version of the Reply contains references to the international coordination agreements and minutes of coordination meetings, which the Commission has previously recognized to be confidential.¹³ Further, disclosure of this information would violate the terms of the Mexico City MoU.

Sixth, the confidential version of the Reply is marked "Confidential—Not For Public Inspection," and access to the document has been restricted to individuals with a need to know.¹⁴ The Mexico City MoU is marked "Confidential to the Parties," and the ongoing L-Band frequency coordination process under the Mexico City MoU is confidential to the parties to that process. The 1992 Bilateral Agreement relates to an L-Band frequency coordination that predates the Mexico City MOU, which Inmarsat maintains as confidential.

Seventh, the confidential version of the Reply and the confidential information contained therein have not previously been publicly disclosed.¹⁵

Finally, Inmarsat requests that the confidential version of the Reply be treated as confidential for the longer of fifteen years or until such time as the Commission no longer maintains the confidentiality of the Mexico City MoU, the related operating agreements, or the international coordinations thereunder.¹⁶

* * * *

¹¹ See 47 C.F.R. § 0.459(b)(4) (explanation of the degree to which the information concerns a service that is subject to competition).

¹² See 47 C.F.R. § 0.459(b)(5) (explanation of how disclosure of the information could result in substantial competitive harm).

¹³ See *Comsat Order* at ¶ 107.

¹⁴ See 47 C.F.R. § 0.459(b)(6) (identification of any measures taken by the submitting party to prevent unauthorized disclosure).

¹⁵ See 47 C.F.R. § 0.459(b)(7) (identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties).

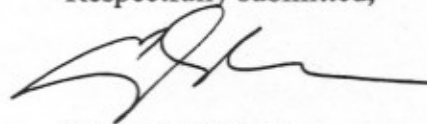
¹⁶ See 47 C.F.R. § 0.459(b)(8) (justification of the period during which the submitting party asserts that material should not be available for public disclosure).

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For these reasons, Inmarsat respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed confidential version of the Reply.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Elizabeth R. Park', written in a cursive style.

Elizabeth R. Park

Enclosure