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CONFIDENTIAL – NOT FOR PUBLIC INSPECTION

January 13, 2006

VIA HAND DELIVERY

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

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-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 Consolidated Opposition of Inmarsat Ventures Limited ("Consolidated Opposition") in the above matter.

Concurrently with the filing of this letter, Inmarsat has separately filed a redacted, public version of the Consolidated Opposition. Exhibit A 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

¹ 47 C.F.R. §§ 0.457 and 0.459.

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

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: (202) 637-2200 Fax: (202) 637-2200
www.lw.com

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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 Mexico City MoU and information relating to the MSS operations of Inmarsat and other L-Band operators contained within the Consolidated Opposition, attached hereto.⁷

Second, the Consolidated Opposition 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, and SES-MOD-20051104-02556.⁸

Third, the Consolidated Opposition 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 Consolidated Opposition is directly related to a competitive service for which confidentiality is warranted.¹¹ Inmarsat is the operator of a mobile satellite system that is used throughout the world, including North America. Other entities have satellite systems that are competitive to Inmarsat’s MSS system.

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).

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).

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Fifth, disclosure of this information would violate the terms of the Mexico City MoU.

Sixth, the confidential version of the Consolidated Opposition is marked "Confidential—Not For Public Inspection," and access to the document has been restricted to individuals with a need to know.¹² 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.

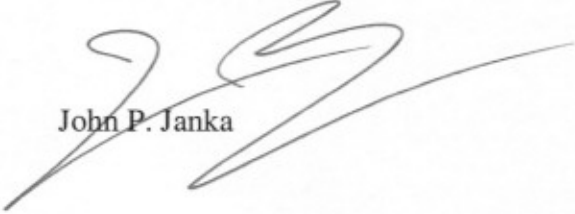
Seventh, the confidential version of the Consolidated Opposition and the confidential information contained therein have not previously been publicly disclosed.¹³

Finally, Inmarsat requests that the confidential version of the Consolidated Opposition 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.¹⁴

* * * *

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

Respectfully submitted,


John P. Janka

Enclosure

¹² See 47 C.F.R. § 0.459(b)(6) (identification of any measures taken by the submitting party to prevent unauthorized disclosure).

¹³ 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).

¹⁴ 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).