

DUPLICATE

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

RECEIVED

MAR 14 2006

Federal Communications Commission
Office of Secretary

In the matter of)
)
Mobile Satellite Ventures Subsidiary LLC)
)
Application for Modification of License to) File No. SAT-MOD-20051104-00212
Operate an Ancillary Terrestrial Component) File No. SAT-MOD-20051104-00211
) File No. SES-MOD-20051110-01561
) File No. SES-MOD-20051104-02556¹

MOTION TO DESIGNATE PROCEEDINGS AS "PERMIT-BUT-DISCLOSE"

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby requests that the International Bureau ("Bureau") designate the *ex parte* status of the above-captioned proceedings as "permit-but-disclose." Pursuant to the Commission's rules, "[w]here the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice." 47 C.F.R. § 1.1200(a). The proceedings involve applications filed by MSV on November 4, 2005 for modification of its license to operate an Ancillary Terrestrial Component ("ATC") in conjunction with the existing and planned L-band Mobile Satellite Service ("MSS") systems of MSV and Mobile Satellite Ventures (Canada) Inc. ("MSV Canada"). The applications were opposed by Inmarsat Ventures Limited.²


¹ The Bureau initially assigned the file number SES-MOD-20051104-02556 to one of MSV's applications but later changed this file number to SES-MOD-20051110-0156. MSV is filing this Response in both files out of an abundance of caution.

² See Inmarsat Ventures Limited, Opposition, File Nos. SAT-MOD-20051104-00212, SAT-MOD-20051104-00211, SES-MOD-20051104-02556 (January 13, 2006).

The applications involve technical issues, for which the free exchange of views, particularly with Commission engineers, will be useful in creating a more complete record.³ Further, permit-but-disclose status is consistent with the *ex parte* status of other ATC proceedings. Specifically, the Bureau previously designated MSV's November 2003 application for an ATC license as a permit-but-disclose proceeding.⁴ Moreover, the pending ATC rulemaking proceeding is a permit-but-disclose proceeding under the Commission's rules.⁵

Based on the foregoing, MSV respectfully requests that the Bureau designate the *ex parte* status of the above-captioned proceedings as "permit-but-disclose."

Respectfully submitted,



Bruce D. Jacobs
David S. Konczal
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, D.C. 20037
(202) 663-8000

Counsel for Mobile Satellite Ventures Subsidiary LLC

March 14, 2006

³See, e.g., *Public Notice*, Report No. SPB-136 (August 25, 1998) (relaxing *ex parte* status of L-band earth station applications because it will "assist the Commission in developing a complete record on which a well-reasoned decision can be made"); *See Public Notice*, Report No. SES-00767 (November 16, 2005) (relaxing *ex parte* status of L-band earth station applications because it "will facilitate resolution of the complex policy issues raised by the applications").

⁴See *Public Notice*, Report No. SPB-200 (February 9, 2004) (designating MSV ATC application as permit-but-disclose); *see also* Report No. SAT-00306, DA 05-1978 (July 8, 2005) (designating Globalstar ATC application as permit-but-disclose "in order to develop a full and complete record").

⁵47 C.F.R. § 1.1206; *see Flexibility for Delivery of Communications by Mobile Satellite Service Providers, Order on Reconsideration*, IB Docket No. 01-185, FCC 05-30 (February 25, 2005) (petition for reconsideration pending).

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 14th day of March 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

Robert Nelson*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Cassandra Thomas*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Andrea Kelly*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Scott Kotler*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

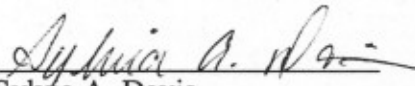
Sean O'More*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Kathryn Medley*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

William Bell*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Diane J. Cornell
Vice President, Government Affairs
Inmarsat, Inc.
1100 Wilson Blvd, Suite 1425
Arlington, VA 2220

John P. Janka
Elizabeth R. Park
Latham & Watkins LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004


Sylvia A. Davis

*By electronic mail