



Federal Communications Commission  
Washington, D.C. 20554

DA 09-766

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Re: File Nos. SES-AMD-20081210-01590, SAT-AMD-20081210-00228, SAT-AMD-20081210-00229, SAT-MOD-20051104-00211, SAT-MOD-20051104-00212, SES-MOD-20051110-01561

Dear Sirs:

On December 10, 2008, SkyTerra Subsidiary LLC ("SkyTerra") filed the referenced amendments to its pending applications for modification of operating authority for ATC base stations and mobile terminals. The amendments include requests for waivers of technical limits in Section 25.253 of the Commission's rules, a request for authority to operate with additional air interface protocols, and a request for authority to operate in accordance with a spectrum plan in the coordination agreement between affiliated SkyTerra companies and Inmarsat Global Limited.

Section 25.112 of the Commission's rules states that an application will be returned as unacceptable for filing if, *inter alia*, it is "defective with respect to completeness of answers to questions [or] informational showings ... or ... does not substantially comply with the Commission's rules, regulations, specific requests for information, or other requirements" and does not state reasons for waiving such rules or requirements.

The amended applications are deficient in the following respects.

Section 25.149(a) requires applicants for ATC operating authority to demonstrate that the applicant will comply with the guidelines for human exposure to radio frequency radiation defined in Section 1.1307(b) and Section 1.1310, which incorporates by reference the guidelines in Section 2.1093 pertaining to portable devices. SkyTerra has not provided any demonstration that operation of ATC base stations and mobile terminals with the radiated power specifications that SkyTerra currently proposes would comply with the guidelines in Sections 1.1307(b), 1.1310, and 2.1093.

Section 25.253(c)(1) requires an applicant for ATC operating authority in the 1525-1559 MHz and 1626.5-1660.5 MHz bands to demonstrate how its ATC network would comply with the priority and preemptive access requirements in Footnotes US308 and US315 to the table of frequency allocations in Section 2.106. SkyTerra's predecessor in interest explained how it would provide priority and preemptive access while using the GSM air interface

protocol.<sup>1</sup> In the amended applications, SkyTerra is proposing to use air interface protocols other than GSM but has not explained how it would meet the requirements of Footnotes US308 and US315 while operating with such other protocols.

Section 25.253(f) requires operation of any base station located within 27 km or radio horizon of a Search-and-Rescue Satellite-Aided Tracking (“SARSAT”) earth station receiving in the 1544-1545 MHz band to be coordinated with respect to the SARSAT station. The specified 27 km coordination threshold is predicated on the base-station emission limits prescribed in Section 25.253(b) and 25.253(d)(1)-(4). In the referenced amendments, SkyTerra requests waiver of those emission limits and proposes to coordinate full-power base stations with SARSAT receivers located within 80 km and coordinate “microcell” base stations with SARSAT receivers within 45 km. SkyTerra has not presented any rationale, however, to demonstrate that the proposed threshold distances for coordination would suffice to protect SARSAT operation from harmful interference from base stations operating with the emission specifications currently proposed.

SkyTerra has not supported its request for waivers of the limits in Section 25.253(b), (d), and (g)(1) with a showing regarding interference impact on radio systems operated by anyone other than Inmarsat.

Therefore, pursuant to Section 25.112(a)(1) of the Commission’s rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the rules on delegation of authority, 47 C.F.R. § 0.261, the referenced applications, as amended, are dismissed without prejudice to refileing.

In the event that SkyTerra refiles the ATC modification applications, it should update its system description as necessary to comport with its current plans and should explain why its ATC base stations and mobile terminals should be allowed to operate with higher power than the Commission’s rules permit for PCS or AWS base stations and mobile terminals. SkyTerra should also explain, in any such refiled application, how it would comply with the requirement in Section 25.149(a)(6) while operating with 10 MHz ATC carriers, as proposed in the referenced amendments (narrative at p.9).

Sincerely,



Robert G. Nelson  
Chief, Satellite Division  
International Bureau

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<sup>1</sup> *Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, 19 FCC Rcd 22144 (Int’l Bur. 2004) at ¶37.