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October 17, 2006

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

**Re: Telenor Satellite, Inc.,
File No. SES-MFS-20060725-01253; File No. SES-AMD-20060804-01310
Written Ex Parte Submission**

Dear Ms. Dortch:

Inmarsat files this *ex parte* submission to correct the record with respect to certain statements made by MSV in its October 3, 2006 Reply in this proceeding, which involves Telenor's application to communicate with the Inmarsat-3 satellite ("I-3") at 142° W.L. using only C-Band and GPS frequencies.

At the outset, Inmarsat is pleased that MSV acknowledges that the current dispute in the L-Band is of no relevance to Telenor's application, which does not seek to use L-Band spectrum.¹ While MSV continues to raise L-Band issues in its Reply, these issues have no bearing on Telenor's application, and provide no basis to delay or condition grant, as MSV requests.

Moreover, MSV's recitation of the history of recent efforts to coordinate Inmarsat's and MSV's L-Band operations is woefully incomplete,² and fails to provide an accurate description of recent coordination efforts. Furthermore, the fact that the parties have been unable to *complete* coordination does not, as a matter of law, preclude Inmarsat from going forward with the operation of its satellite business, including the replacement earlier this year of a failing Inmarsat-2 satellite at 142° W.L. with the I-3 satellite that is the subject of Telenor's application. Indeed, Commission policy and precedent are clear that that completion of coordination is not a condition precedent to (or a *quid pro quo* for) issuance of an authorization to provide MSS in the United States.³ The multi-year stalemate in the L-Band has left Inmarsat

¹ MSV Reply at 2.

² *Id.* at 3-5.

³ *Establishment of Policies and Service Rules for MSS in the 2 GHz Band*, 15 FCC Rcd 16127, 16192 ¶ 148-49 (2000); *SatCom Systems, Inc.*, 14 FCC Rcd 20798, 20813 ¶ 30 (1999);

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with no choice but to operate, as MSV recognizes, "at less-than-planned technical parameters,"⁴ to ensure operations on a non-harmful interference basis pending completion of coordination. Inmarsat has successfully operated on a non-harmful interference basis, and intends to continue to do so absent a new coordination agreement.

Furthermore, to avoid any doubt, and contrary to MSV's claims,⁵ I-3 always was, and remains, an MSS spacecraft that provides valuable L-Band MSS to U.S. government and other users, including service to ships and aircraft in and over the Pacific Ocean Region. That Telenor seeks authority to use only C-Band and GPS spectrum in this particular application does not change the fundamental nature of I-3 as an MSS spacecraft. MSV's suggestion that I-3 must comply with FSS station-keeping rules because Telenor's application does not seek to use L-Band spectrum, therefore, has no merit whatsoever. Obviously, Inmarsat cannot be required to alter the station-keeping of I-3 based on the spectrum segments used by a single earth station in Santa Paula, California. Because I-3 is, and always has been, an MSS spacecraft, Telenor is not required to seek a waiver of the Commission's station-keeping rules that apply to FSS spacecraft.

For the foregoing reasons, and as set forth in Inmarsat's prior pleading in this proceeding, the Commission should grant Telenor's application without delay. Please contact the undersigned if you have any questions regarding this matter.

Sincerely yours,



John P. Janka
Jeffrey A. Marks

Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to MSS in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, 9 FCC Rcd 5936, 6018 ¶ 211 (1994); *AMSC Sub. Corp.*, 8 FCC Rcd 4040, 4043 ¶ 17 (1993).

⁴ Contrary to MSV's claim, MSV Reply at 4, Inmarsat's operation of multiple satellites with global beams does not increase Inmarsat's demand for global spectrum. Using the same spectrum bands on multiple satellites satisfies Commission policies by leading to more intensive spectrum reuse, and thus more efficient use of spectrum.

⁵ MSV Reply at 8 (wrongly claiming that "the Inmarsat 3F4 satellite will operate only in the [FSS], not the MSS").

CERTIFICATE OF SERVICE

I, Jeffrey A. Marks, hereby certify that on this 17th day of October, 2006, I caused to be served a true copy of the foregoing by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

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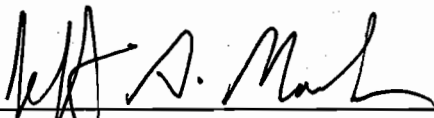
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