

 **Lampert & O'Connor, P.C.**

1776 K Street NW
Suite 700
Washington, DC 20006

E. Ashton Johnston
johnston@l-olaw.com

Tel 202/887-6230
Fax 202/887-6231

July 6, 2007

Via Hand Delivery

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

Re: SES-LFS-20070109-0004;
SES-AMD-20070426-00517
(Call Sign E070006)

Dear Ms. Dortch:

Attached hereto are an original and four copies of the *Opposition to Petition to Hold in Abeyance* of Horizon Mobile Communications, Inc.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,



E. Ashton Johnston

Attachment

cc: see attached service list

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Horizon Mobile Communications, Inc.)	File Nos. SES-LFS-20070109-0004;
)	SES-AMD-20070426-00517
Application for)	(Call Sign E070006)
Blanket Authority to Operate)	
20,000 Mobile Earth Terminals)	

OPPOSITION TO PETITION TO HOLD IN ABEYANCE

Horizon Mobile Communications, Inc. (“Horizon”), by its attorneys, hereby opposes the Petition to Hold in Abeyance (the “Petition”) filed by Mobile Satellite Ventures Subsidiary LLC (“MSV”) in connection with Horizon’s above-captioned application for earth station authorizations (the “Application”). The Application requests authority to operate up to 20,000 Mobile Earth Terminals in conjunction with the Inmarsat-4 (“I-4”) spacecraft to provide Broadband Global Area Network (“BGAN”) service.

As an initial matter, insofar as portions of the Petition served on Horizon are redacted, Horizon hereby moves to strike them. Horizon cannot meaningfully address the material withheld by MSV, which MSV claims is confidential. Should the Bureau decline to strike the redacted portions of the Petition, Horizon reserves the right to supplement this Opposition once Horizon has been given access to the redacted material.

MSV fails to rebut the showing of the many public interest benefits of BGAN service.¹ MSV also fails to demonstrate any harm to MSV that would result from a grant of the

¹ See, e.g., Application; Request of Horizon Mobile Communications, Inc. for Special Temporary Authority, File No. SES-STA-20070112-00112 (Call Sign E070006) (Jan. 12, 2007); (footnote continued on next page)

Application. Because there is no basis on which to deny or delay Horizon's Application or to impose the conditions requested by MSV, the Bureau must deny the Petition.

The assertions of the "potential for interference" from BGAN operations that are described in MSV's Petition² already have been addressed, in numerous filings. MSV provides no new information, provides no technical analysis, and makes no claim of interference specific to Horizon's Application. Instead, MSV recites the same speculative claims it already has made numerous times with respect to other BGAN service provider applications.³ These arguments have been thoroughly refuted by other BGAN applicants and by Inmarsat Ventures Limited ("Inmarsat"). Consistent with precedent established in proceedings related to MSV's own applications for L-band satellites, the Bureau should grant Horizon's application, subject only to a condition requiring that BGAN services be provided on a non-harmful interference basis until there is an L-band coordination agreement.⁴

(footnote continued from previous page)

Horizon's Opposition to MSV's Petition to Deny Request for Special Temporary Authority (Jan. 31, 2007). *See also* Joint Response to MSV *Ex Parte* Letter, filed by BT Americas Inc., FTMSC US LLC, MVS USA, Inc., Stratos Communications, Inc., Telenor Satellite Inc., and Thrane & Thrane Airtime Ltd., File Nos. SES-LFS-20050826-00175 *et al.* (Dec. 6, 2006) at 1-2.

² *See, e.g.*, Petition at 20.

³ MSV's Petition appears identical to the Petition to Hold in Abeyance filed by MSV on July 14, 2006 with respect to the application of Thrane & Thrane Airtime, Ltd. for authority to operate METs in conjunction with the I-4, except for the applicant's name and the relevant file numbers and filing dates. *See, e.g.*, Petition at 21; Petition to Hold in Abeyance filed by MSV, File No. SES-LFS-20060522-00852, at 20.

⁴ As the Bureau is aware, Inmarsat has expressly committed to conduct its BGAN operations on a non-harmful interference basis in the absence of an L-band coordination agreement. Opposition of Inmarsat Ventures Limited, File No. SES-LFS-200511230-01634 (Jan. 26, 2006), at 5.

In light of the similarity of MSV's Petition to its earlier filings, and in order to avoid unnecessarily taxing the Commission's resources by repeating arguments rebutting those made by MSV, Horizon hereby incorporates by reference its previous filings in this proceeding, as well as arguments made by Inmarsat and other similarly situated applicants in response to MSV's prior filings seeking to delay or deny BGAN service. In particular, Horizon incorporates the following documents by reference:

- Opposition to MSV's Petition to Deny STA, File No. SES-STA-20070112-00112 (Jan. 31, 2007), filed by Horizon;
- Joint Response to MSV *Ex Parte* Letter of Inmarsat Ventures Limited and BT Americas, Inc.; FTMSC US LLC; MVS USA, Inc.; Stratos Communications, Inc.; Telenor Satellite Inc.; and Thrane & Thrane Airtime Ltd., File No. SES-LFS-20060522-00852 *et al.* (Dec. 6, 2006) (opposing MSV's request to impose special conditions on applicants' STAs);
- Opposition to Petition to Hold in Abeyance, File No. SES-LFS-20060522-00852 (Jul. 27, 2006), filed by Thrane & Thrane Airtime Ltd. (and documents incorporated therein by reference);
- Opposition to Petition to Hold in Abeyance, File No. SES-LFS-20060522-00852 (Jul. 27, 2006), filed by Inmarsat Ventures Limited (and documents incorporated therein by reference);
- Joint Letter from Inmarsat Ventures Limited *et al.* to Marlene H. Dortch, FCC, File Nos. SES-MFS-20051122001164 *et al.* (Jul. 6, 2006);
- Joint Letter from Inmarsat Ventures Limited *et al.* to Marlene H. Dortch, FCC, Call Signs E010011 *et al.* (Jul 6, 2006);
- Opposition to Petition to Hold in Abeyance, File Nos. SES-LFS-20060303-00343 and SES-AMD-20060316-00448 (Apr. 27, 2006), filed by BT Americas Inc.
- Opposition to Petition to Hold in Abeyance, File No. SES-LFS-200511230-01634 (Jan. 26, 2006), filed by Inmarsat Ventures Limited.

MSV's Petition raises only one concern directly related to the Horizon Application.⁵ Specifically, MSV urges the Commission to "defer consideration of the Horizon [A]pplication until Horizon reaches an agreement with the Executive Branch that addresses the national security and law enforcement concerns presented by its application." Petition at 26. Inasmuch as this request does nothing more than ask the Commission to follow its own current policy, it is unnecessary. The Commission and Executive Branch national security agencies have well-established procedures for the coordination of application reviews. Horizon and national security agencies already have initiated the process for negotiating an appropriate security agreement. Horizon expects to enter into a national security agreement similar to those of other BGAN service providers in the normal course, and will inform the Bureau of its progress.

⁵ Although MSV asserts "[t]he Horizon Application raises additional issues that warrant further scrutiny," Petition at 23, two of the three "issues" cited by MSV in fact are not specific to the Horizon Application, but instead are generic to other pending applications, and already have been raised by MSV and addressed by other applicants and by Inmarsat. *See, e.g.*, MSV Petition to Hold in Abeyance Application of BT Americas Inc., File Nos. SES-LFS-20060303-00343, SES-AMD-20060316-00448 (Apr. 14, 2006); Opposition of BT Americas Inc., File Nos. SES-LFS-20060303-00343, SES-AMD-20060316-00448 (Apr. 27, 2006); Opposition of Inmarsat Ventures Limited, File Nos. SES-LFS-20060303-00343, SES-AMD-20060316-00448 (Apr. 27, 2006).

For the foregoing reasons and those set forth in its Application and supporting materials, Horizon respectfully requests that the Bureau deny MSV's Petition to Hold in Abeyance and promptly grant Horizon's application for authority to provide BGAN service in the U.S.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "E. Ashton Johnston", with a long horizontal line extending to the right.

E. Ashton Johnston
Helen E. Disenhaus
Lampert & O'Connor, P.C.
1776 K Street NW
Suite 700
Washington, DC 20006
(202) 887-6230

Counsel to Horizon Mobile Communications, Inc.

July 6, 2007

CERTIFICATE OF SERVICE

I, Sybil Anne Strimbu, hereby certify that on this 6th day of July, 2007, I caused a true and correct copy of the foregoing *Opposition to Petition to Hold in Abeyance* to be sent by regular or electronic mail (*) to the following:

James L. Ball*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
James.Ball@fcc.gov

JoAnn Ekblad*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Joann.Ekblad@fcc.gov

Gardner Foster*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Gardner.Foster@fcc.gov

Fern Jarmulnek*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Fern.Jarmulnek@fcc.gov

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Howard.Griboff@fcc.gov

Roderick Porter*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Roderick.Porter@fcc.gov

Karl Kensinger*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Karl.Kensinger@fcc.gov

Kathryn Medley*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Kathryn.Medley@fcc.gov

Robert Nelson*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Robert.Nelson@fcc.gov

Stephen Duall*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Stephen.Duall@fcc.gov

Scott Kotler*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Scott.Kotler@fcc.gov

Andrea Kelly*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Andrea.Kelly@fcc.gov

Jennifer A. Manner
Vice President, Regulatory Affairs
Mobile Satellite Ventures Subsidiary LLC
10802 Parkridge Boulevard
Reston, VA 20191

Bruce D. Jacobs
David S. Konczal
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street NW
Washington, DC 20037-1128

Cassandra Thomas*
International Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Cassandra.Thomas@fcc.gov

Diane J. Cornell
Vice President, Government Affairs
Inmarsat, Inc.
1101 Connecticut Avenue NW, Suite 1200
Washington, DC 20036

John P. Janka
Jeffrey A. Marks
Latham & Watkins LLP
555 Eleventh Street NW, Suite 1100
Washington, DC 20004



Sybil Anne Strimbu