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April 24, 2008

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Federal Communications Commission
Office of the Secretary

BY HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554
Attn: International Bureau, Satellite Division

Comments of Maximum Service Television, Inc.
In the Matter of TerreStar Networks, Inc. to Amend its Mobile Earth
Terminal Application to Request Authority to Operate an Ancillary
Terrestrial Component In Connection with its 2 GHz Mobile
Satellite Service System

Dear Ms. Dortch:

On behalf of Maximum Service Television, Inc., attached are comments for filing with the Satellite Division of the International Bureau.

If you have any questions, please contact the undersigned or my assistant, Sharon McDonald at 202-662-6494.

Sincerely,



Brandon D. Almond

*Counsel for the Association
for Maximum Television, Inc.*

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Application of TerreStar Networks Inc.)
to Amend its Mobile Earth Terminal)
Application to Request Authority to)
Operate an Ancillary Terrestrial Component)
In Connection with its 2 GHz Mobile)
Satellite Service System)

File No: SES-AMD-20070907-01253

To: The Commission

**COMMENTS OF THE ASSOCIATION FOR
MAXIMUM SERVICE TELEVISION, INC.
AND THE NATIONAL ASSOCIATION OF BROADCASTERS**

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April 24, 2008

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
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In Connection with its 2 GHz Mobile)
Satellite Service System)

To: The Commission

MSTV and NAB COMMENTS

The Association for Maximum Service Television, Inc. (“MSTV”)¹ and the National Association of Broadcasters (“NAB”)² file these comments in response to TerreStar Networks Inc. (“TerreStar”) Application to Amend its Mobile Earth Terminal Application to Request Authority to Operate an Ancillary Terrestrial Component (“ATC”) in Connection with its 2 GHz Mobile Satellite Service (“MSS”) System.³

TerreStar’s request for ATC operations, if implemented prior to the complete conversion of the Broadcast Auxiliary Services (BAS) band to digital, could cause significant

¹ MSTV is a nonprofit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality for the local broadcast system.

² NAB is a trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks.

³ TerreStar Networks Inc. Application to Amend its Mobile Earth Terminal Application to Request Authority to Operate an Ancillary Terrestrial Component in Connection with its 2 GHz Mobile Satellite Service System, File Number SES-AMD-20070907-01253 (filed Sept. 7, 2007) (hereinafter “TerreStar Application”).

interference to the services provided by BAS users for the benefit of the public.⁴ Therefore, the Commission should deny TerreStar's request until the BAS conversion has been successfully completed. TerreStar seeks authority to begin operating up to two million mobile earth terminals that will transmit in the 2000 to 2020 MHz band.⁵ These frequencies are currently being used for important services such as electronic news gathering and studio-to-transmitter links. To avoid causing interference with these valuable services,⁶ the Commission should deny TerreStar's request to begin operating ATC base stations and mobile terminals at this time.

Despite diligent and expedient efforts to complete the conversion, many BAS incumbents remain on the spectrum, and TerreStar provides no indication in its Application of how it intends to avoid interference to incumbent BAS operations. Despite the fact that TerreStar has participated in the BAS relocation proceeding, it does not mention BAS at all in its Application. It instead appears to assume that all BAS operations will have been relocated and converted to the new BAS frequency plan by the time it begins ATC operations, such that no interference will occur.⁷ This will not be the case, however.⁸

⁴ See, e.g., *Petition to Deny of Sprint Nextel Corporation*, in the Matter of Application of New ICO Satellite Services G.P. for Blanket Authority for Ancillary Terrestrial Component Base Stations and Mobile Terminals for 2 GHz Mobile Satellite Service, April 17, 2008, at i, 6-9 (noting the harmful interference that could occur to BAS users by MSS and ATC operations).

⁵ TerreStar Application, Amendment at 3.

⁶ The Commission has recognized that the 2 GHz BAS is "a critical part of the broadcasting system by which information and entertainment is provided to the American public." See *Improving Public Safety Communications in the 800 MHz Band*, Report and Order, 19 FCC Rcd. 14969, ¶ 250 (2004). Broadcasters use the full seven 2 GHz BAS channels to cover live news reports and special event coverage. Any interference caused by ICO's ATC stations would cause these critical newsgathering operations – and the viewers who rely on them – to suffer.

⁷ See TerreStar Application, Amendment at 5-6 ("All of TerreStar's mobile terminals will be able to access both the satellite and terminal infrastructure thereby ensuring ubiquitous coverage throughout North America.").

MSTV, NAB and the broadcast community have worked assiduously and in good faith to allow MSS operators to test their satellite systems and begin initial operations in some BAS frequencies and under certain circumstances. In addition, MSTV and NAB have been updating the Commission on a regular basis, informing it of their plan to direct the 2 GHz conversion process as efficiently as possible. However, this plan for completing the BAS conversion extends well beyond when TerreStar has requested to begin ATC operations.⁹ Although the Commission is considering the possibility of authorizing TerreStar to begin MSS operation as early as January 2009,¹⁰ there is no indication that traditional MSS operations – let alone two million nationwide ATC mobile transmitters – can technically operate in markets that have not been cleared.¹¹ Operation of such a large number of mobile terminals also would create an impossible enforcement situation should interference occur. Finally, the Commission has not proposed to eliminate the requirement that MSS relocate all fixed nationwide BAS operations

⁸ See, e.g., Sprint Nextel BAS Target Relocation Plan, *available at*: <http://www.2ghzrelocation.com/plugin/article/broadcast/1723/---/Sprint%20Relocation%20Schedule.pdf> (showing that, even by January of 2009, several dozen markets will still not have been relocated). TerreStar should be well aware that many BAS incumbents will still be occupying the 2 GHz band in January 2009, as it has participated in the Acceleration Summit with MSTV and NAB and has been consistently apprised of the relocation progress.

⁹ Although MSTV has initiated discussions with MSS providers on the protection of BAS operations from traditional MSS use, these discussions have not been concluded and it is still unclear how such traditional MSS operations will protect incumbent BAS users.

¹⁰ See *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, in the Matter of Improving Public Safety Communications in the 800 MHz Band . . . , at ¶ 49 (rel. March 5, 2008) (hereinafter “Further Notice”).

¹¹ See Further Notice at ¶ 50 (“Because these MSS facilities are licensed in the same spectrum as existing BAS operations, the Commission has had to adopt policies, such as the top 30 market rule, that take into account the likelihood of MSS and BAS interference.”).

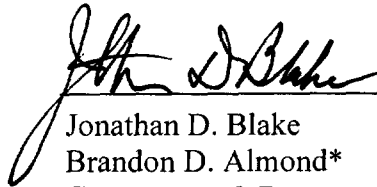
before TerreStar's operations can begin.¹² Clearly, such relocation is also required before ATC operations can be permitted.

CONCLUSION

TerreStar's failure to discuss or demonstrate that ATC implementation could be undertaken at this time without causing interference to existing BAS operations makes its proposal fatally flawed. Accordingly, the Commission should deny its application for ATC authority at this time.

¹² *See id.* at ¶ 53.

Respectfully submitted,



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April 24, 2008

* Admitted to the Bar of Virginia. Not admitted to the Bar of the District of Columbia. Work supervised by principles of the firm pending admission.