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April 24, 2008

BY HAND DELIVERY

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

FILED/ACCEPTED

APR 24 2008

Federal Communications Commission
Office of the Secretary

Comments of Maximum Service Television, Inc.
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

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.*

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APR 24 2008

Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

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File Nos. SES-LIC-20071203-01646,
SES-AMD-20080118-00075, and
SES-AMD-20080219-00172

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
Washington, DC 20554**

In the Matter of)	
)	
Application of New ICO Satellite)	File Nos. SES-LIC-20071203-01646,
Services G.P. for Blanket Authority for)	SES-AMD-20080118-00075, and
Ancillary Terrestrial Component Base)	SES-AMD-20080219-00172
Stations and Mobile Terminals for)	
2 GHz Mobile Satellite Service)	
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 Sprint Nextel Corporation’s April 4, 2008 *Petition to Deny* ICO Satellite Services G.P.’s (“ICO”) Application for Blanket Authority for Ancillary Terrestrial Component Base Stations and Mobile Terminals for 2 GHz Mobile Satellite Service, and ICO’s April 17, 2008 *Consolidated Opposition and Response*.³

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 See *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 4, 2008 (hereinafter “Sprint Nextel Petition”); *Consolidated Opposition and Response of New ICO Satellite Services G.P.*, 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 (hereinafter “ICO Opposition”).

ICO's request for Ancillary Terrestrial Component (ATC) operations, if implemented prior to the complete conversion of the Broadcast Auxiliary Services (BAS) band to digital, could cause significant interference to the services provided by BAS users for the benefit of the public.⁴ Therefore, the Commission should deny ICO's request until the BAS conversion has been successfully completed. ICO seeks authority to begin "promptly" operating up to one 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 ICO's request to begin operating ATC base stations and mobile terminals at this time.

As Sprint Nextel points out, ICO has repeatedly ignored its duty to relocate incumbent BAS users before beginning operation in the 2 GHz band.⁷ Despite diligent and expedient efforts to complete the conversion, many BAS incumbents remain on the spectrum, and ICO provides no indication either in its Application or in its Opposition of how it intends to avoid interference to incumbent BAS operations. In fact, ICO's sole mention of BAS is limited

⁴ See Sprint Nextel Petition at i, 6-9.

⁵ ICO Application for Earth Station Authorizations, File No. SES-LIC-INTR2007-02866, at 23 (filed Dec. 3, 2007); ICO Application, FCC Form 312, Response to Question 43, at 29 (filed Dec. 3, 2007).

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 Sprint Nextel Petition at 3.

to a very brief discussion of out-of-band interference and appears to assume that all BAS operations will have been relocated and converted to the new BAS frequency plan.⁸ This will not be the case, however.⁹

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 ICO has requested to begin ATC operations.¹⁰ Although the Commission is considering the possibility of authorizing ICO to begin MSS operation as early as January 2009,¹¹ there is no indication that traditional MSS operations – let alone a million nationwide ATC mobile transmitters – can technically operate in markets that have not

⁸ See, e.g., ICO Opposition at 4-5 (“ICO expects to commence commercial satellite service as soon as January 2009, and this commercial service will be offered using a 2 GHz MSS [geostationary satellite orbit] system with nationwide coverage capability.”).

⁹ 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). ICO should be well aware that many BAS incumbents will still be occupying the 2 GHz band in January 2009, as ICO has participated in the Acceleration Summit with MSTV and NAB, and has been consistently apprised of the relocation progress.

¹⁰ 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.

¹¹ 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”).

been cleared.¹² 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 before ICO's operations can begin.¹³ Clearly, such relocation is also required before ATC operations can be permitted.

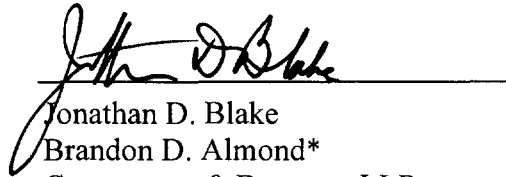
CONCLUSION

ICO'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 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.").

¹³ See *id.* at ¶ 53.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan D. Blake", is written over a horizontal line.

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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 principals of the firm pending admission.