

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

FILED/ACCEPTED

APR - 4 2008

*Federal Communications Commission
Office of the Secretary*

In the Matter of)
)
Application of) SES-LIC-20071203-01646
New ICO Satellite Services G.P.) SES-AMD-20080118-00075
For Authority to Operate Ancillary) SES-AMD-20080219-00172
Terrestrial Component Facilities)

COMMENTS OF TERRESTAR NETWORKS, INC.

In the above-captioned application, New ICO Satellite Services G.P. ("ICO") requests authority to operate ancillary terrestrial component ("ATC") base stations and dual mode mobile satellite service ("MSS")/ ATC mobile terminals using 2 GHz MSS frequencies it is authorized to use pursuant to a letter of intent authorization. In connection with the application, ICO has requested waivers of various ATC technical rules.

TerreStar Networks, Inc. ("TerreStar") hereby comments on ICO's application and waiver requests. Subject to the exceptions described below, TerreStar supports ICO's filing and notes that many of ICO's waiver requests are substantially similar to waiver requests submitted by TerreStar. This is logical as most of both waiver requests are predicated on relief from technical rules that were designed to protect an aeronautical mobile satellite service that was abandoned. These rules therefore are more restrictive than is necessary given present circumstances and should be waived for both ICO and TerreStar so that the many public interest benefits of ATC service may be maximized through efficient deployment.

1. Interest of TerreStar

TerreStar holds a letter of intent (“LOI”) authorization, originally granted in 2001, to provide MSS in the United States using spectrum in the 2 GHz band via TerreStar-1, a geostationary orbit satellite.¹ The LOI authorization permits the use of 10 MHz of this 2 GHz MSS spectrum in each direction.² TerreStar Networks (Canada) Inc., which is owned by TerreStar and 4371585 Canada Inc., holds an approval in principle issued by Industry Canada to operate TerreStar-1 in Canada.³

TerreStar also has pending a request for ATC authority.⁴ TerreStar has requested waivers of certain ATC technical rules⁵; as stated above, a number of those waivers are similar to the waivers sought by ICO.

2. General support for ICO waiver requests

ICO’s ATC waiver requests are premised to a large extent on a change in circumstances since the time that the ATC technical rules were adopted. ICO relies on the fact that many of the ATC technical limits were developed to protect sensitive receivers on aircraft. The receivers were to be used as part of an aeronautical mobile

¹ See Order, DA 07-2028 (Int’l Bur., May 10, 2007); *TMI Communications and Company, Limited Partnership*, Order, 16 FCC Rcd 13808 (Int’l Bur. 2001); *TMI Communications and Company, Limited Partnership, and TerreStar Networks, Inc. Application for Review and Request for Stay*, Memorandum Opinion and Order, 19 FCC Rcd 12603 (2004). TerreStar is filing its request for ATC authority as an amendment to its application for a mobile earth terminal blanket license based on the procedures that the Commission has outlined for holders of LOI authorizations. See *Flexibility for Delivery of Communications by MSS Providers*, Report and Order, 18 FCC Rcd 1962 at ¶ 245 (2003).

² See *Use of Returned Spectrum in the 2 GHz Mobile Satellite Service Frequency Bands*, Order, 20 FCC Rcd 19696 (December 9, 2005).

³ See Letter from Michael D. Connolly, Industry Canada, to Steven Nichols, TerreStar Networks (Canada) Inc., File No. 46215-1 (113554 CL) (April 27, 2007).

⁴ See File No. SES-AMD-20070907-01253.

⁵ See File No. SES-AMD-20070723-00978.

satellite (route) service (“AMS(R)S”) in the 2 GHz MSS band that Boeing was planning to provide.

Boeing subsequently abandoned its plans and authorization, however, and neither ICO nor TerreStar has current plans for providing AMS(R)S services. As shown in TerreStar’s request for a waiver of ATC technical rules, moreover, even if AMS(R)S service were to be provided in the 2 GHz MSS band, today’s receivers have performance characteristics that are vastly superior to the performance characteristics that were assumed when the Commission adopted technical rules for ATC.⁶ For all of these reasons, waiver of these ATC rules is warranted.⁷

3. ICO waiver requests TerreStar is continuing to evaluate

A small number of the waivers sought by ICO raise potential interference issues.⁸ For example, the ATC base station out of band emission limit proposed by ICO on a waiver basis for Section 25.252(a)(1) of the rules may, in some circumstances, adversely affect communications between TerreStar’s handsets and its satellite.⁹

TerreStar is continuing to evaluate these issues and whether there are acceptable alternatives to the relief requested by ICO. TerreStar is mindful that many of these issues are related to the fact that ICO and TerreStar have chosen to pursue significantly

⁶ Waiver Request of TerreStar Networks Inc., File No. SES-AMD-20070723-00978, at 10-11 (July 23, 2007).

⁷ TerreStar supports ICO’s requests for waiver of Sections 25.252(a)(2), (3), (4), (5), (6), and (8); 25.252(b)(2); and 25.252(c)(4).

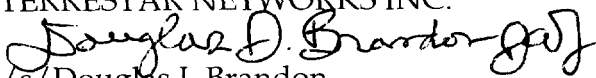
⁸ These issues are raised by ICO’s requests for waiver of Sections 25.252(a)(1), 25.252(b)(1), and 25.252(c)(2).

⁹ In addition, in the case of the proposed waiver of Section 25.252(b)(1), there is a potential for aggregate interference to the receivers on TerreStar’s satellite depending upon ICO’s particular implementation of mobile terminals that ICO proposes to have subject to an output power limit instead of an EIRP limit. In the case of the proposed waiver of Section 25.252(c)(2), TerreStar is exploring whether there is an alternative attenuation standard that might provide more efficient results over the entire band.

different markets which has engendered different service suites and underlying technology investments. TerreStar is hopeful that through further analysis and discussions with ICO the companies can reach creative solutions.

Respectfully submitted,

TERRESTAR NETWORKS INC.

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April 4, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Comments of TerreStar Networks Inc. was sent by first class mail, on the 4th day of April, 2008, to the following:

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/s/ Jennifer Tisdale
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