

FCC Form 312
Exhibit A/E
Response to Questions 34 and A20

In the instant application, Inmarsat seeks Commission authority to assign the license for E090032 from Inmarsat Hawaii Inc., a Hawaii corporation with its principal place of business in the United States (“Inmarsat Hawaii”), to Inmarsat US Services Inc., a Delaware corporation with its principal place of business in the United States (“Inmarsat US”). Both Inmarsat Hawaii and Inmarsat US are indirect, wholly-owned subsidiaries of Inmarsat plc. Accordingly, the proposed assignment would not change the ultimate ownership or control of the license for E090032.

Inmarsat Hawaii and Inmarsat US are both wholly owned by Inmarsat U.S. Holdings, Inc., a Delaware corporation with its principal place of business in the United States. Inmarsat U.S. Holdings, Inc. is wholly owned by Inmarsat Services Ltd. Inmarsat Services Ltd. is wholly owned by Inmarsat Ventures Ltd. Inmarsat Ventures Ltd. is wholly owned by Inmarsat Investments Ltd. Inmarsat Investments Ltd. is wholly owned by Inmarsat Group Ltd. Inmarsat Group Ltd. is wholly owned by Inmarsat plc. The current ownership and management of Inmarsat plc is substantially the same as that on file in the docket of the proceeding approving the transfer of control of Stratos Global Corporation to Inmarsat plc,¹ which Inmarsat US incorporates by reference. With the exception of Inmarsat Hawaii, Inmarsat US, and Inmarsat U.S. Holdings, Inc., each of the Inmarsat entities described above is formed under the laws of England and Wales and has its principal place of business in the United Kingdom. Each of the Inmarsat entities described above can be reached care of the applicants at their U.S. address, and has as its primary business the provision of satellite communications services or acting as a holding company for such businesses.

The officers and directors of Inmarsat US are as follows:

| <u>Name</u> | <u>Position(s)</u> | <u>Citizenship</u> |
|--------------------|---------------------------|---------------------------|
| Diane Cornell | Director | United States |
| Leo Mondale | Director and President | United States |
| Alison Horrocks | Secretary/Treasurer | United Kingdom |

The license for E090032 provides authority to operate mobile earth terminals on a common carrier basis. As such, this application is subject to review under Section 310(b)(4) of the Communications Act, as amended. Inmarsat US respectfully requests a declaratory ruling that it would serve the public interest to allow up to 100 percent indirect non-U.S. ownership of Inmarsat US for purposes of this blanket license. Notably, the Commission already has permitted such ownership with respect to Inmarsat Hawaii, which has the same ownership as Inmarsat US.

¹ See Robert M. Franklin, *Transferor and Inmarsat plc, Transferee; Consolidated Application for Consent to Transfer of Control of Stratos Global Corporation and Its Subsidiaries from an Irrevocable Trust to Inmarsat plc*, Memorandum Opinion and Order and Declaratory Ruling, IB Docket No. 08-143, DA 09-117 (Jan. 16, 2009).

In its *Foreign Participation Order*,² the Commission determined that it would promote competition in the United States and serve the public interest to allow indirect foreign investment beyond the 25 percent benchmark established by Section 310(b)(4). Since adopting the *Foreign Participation Order*, the Commission consistently has permitted non-U.S. individuals and entities to hold up to 100 percent of the equity and voting power in holders of FCC authorizations.³

Each of the Inmarsat entities named above has its principal place of business in the United States or the United Kingdom, a WTO member. Moreover, Inmarsat plc is over 75 percent owned (measured either by equity or voting interests) by citizens of, or entities with principal places of business in, the United States or another WTO-member country. As a result, the presumption that foreign ownership in excess of the Section 310(b)(4) benchmark serves the public interest applies here. Thus, grant of the instant application would be fully consistent with Commission precedent and should be found to be in the public interest.

² *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, 12 FCC Rcd 23891 (1997) (“*Foreign Participation Order*”).

³ *See, e.g., Intelsat, Ltd., Transferor, and Zeus Holdings Ltd., Transferee*, 19 FCC Rcd 24820 (2004); *Applications of Comsat General Corporation*, 19 FCC Rcd 21216 (2004); *Voicestream Wireless Corporation*, 16 FCC Rcd 9779 (2001).