

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

In the matter of)	
)	
BT Americas Inc.)	File No. SES-LFS-20060303-00343
Application for Blanket License to Operate)	File No. SES-AMD-20060316-00448
Mobile Earth Terminals with Inmarsat 4F2 at)	(Call Sign E060076)
52.75°W)	

REPLY TO OPPOSITIONS TO PETITION TO HOLD IN ABEYANCE

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby files this Reply to the Oppositions of BT Americas Inc. (“BT”) and Inmarsat Ventures Limited (“Inmarsat”) to MSV’s Petition to Hold in Abeyance the above-referenced applications.¹ BT seeks to operate Broadband Global Area Network (“BGAN”) terminals in the United States with an uncoordinated Inmarsat-4 L band satellite (Inmarsat 4F2 at 52.75°W). As MSV explained in its Petition, the International Bureau (“Bureau”) should not grant this application unless and until the new Inmarsat 4F2 satellite has been coordinated, due to the harmful interference that would result without coordination, including to MSV and the important services it provides to federal, state, and local public safety organizations. In its Opposition, Inmarsat incorporates by reference its pleadings from previous proceedings. MSV hereby incorporates by reference its replies to these pleadings as filed in those previous proceedings.²

¹ See BT Americas Inc., Opposition, File Nos. SES-LFS-20060303-00343, SES-AMD-20060316-00448 (Call Sign E060076) (April 27, 2006) (“*BT Opposition*”); Inmarsat Ventures Limited, Opposition, File Nos. SES-LFS-20060303-00343, SES-AMD-20060316-00448 (Call Sign E060076) (April 27, 2006).

² See Mobile Satellite Ventures Subsidiary LLC, Reply, File No. SES-MFS-20060118-00050 et al (March 28, 2006); Mobile Satellite Ventures Subsidiary LLC, Reply, File No. SES-LFS-20051123-01634 et al (February 7, 2006).

In its Opposition, BT contends that MSV has failed to provide any evidence of harmful interference that would result from operation of the Inmarsat 4F2 satellite. In fact, as MSV explained in its Petition, Inmarsat's current operations on loaned-but-recalled frequencies are blocking MSV's operations *today*, and grant of the instant application, to the extent it authorizes Inmarsat's operations on the loaned-but-recalled frequencies, would do the same.³ BT's argument also ignores that MSV has suffered harmful interference from Inmarsat's operation of uncoordinated High Speed Data carriers.⁴ Moreover, as MSV explained in its Petition, the Inmarsat 4F2 satellite is unlike any MSS satellite that has operated other North America. In addition to using certain loaned frequencies which belong to MSV, the satellite uses wider bandwidth carriers, transmits a higher aggregate EIRP, and uses a greater number of co-channel reuse beams than any satellite Inmarsat has operated previously.⁵ The result is that, without prior coordination among Inmarsat and MSV, the Inmarsat 4F2 satellite will cause harmful interference to the customers that rely on MSV's services. While BT would like the Bureau to grant applications to operate with Inmarsat 4F2 now, and thereby threaten interference to thousands of MSS customers, this unfairly places MSV and its customers at the mercy of Inmarsat. From a spectrum management perspective, the more appropriate and customary policy is to require satellite operators to coordinate prior to commencing operation of new satellites and services, thereby ensuring that mutual interference will not occur.⁶ In effect, BT argues that the

³ See Mobile Satellite Ventures Subsidiary LLC, Petition to Hold in Abeyance, File No. SES-LFS-20060303-00343, File No. SES-AMD-20060316-00448 (Call Sign E060076) (April 14, 2006), at 12-14 ("*MSV Petition*").

⁴ See *id.* at 14 n.32.

⁵ *Id.* at 14-19.

⁶ See *id.* at 11 n.25. For example, in *Outerlink*, the Bureau permitted an MSV customer to operate using frequencies coordinated for Inmarsat only after Inmarsat consented to these

burden is on MSV to demonstrate interference before Inmarsat is required to coordinate its new satellites and services. BT cites no support for this position, which would turn the international coordination process on its head.⁷

operations based on its conclusion after bilateral coordination discussions that harmful interference would not occur due to the unique attributes of the Outerlink service. *See Outerlink, Inc., Order and Authorization*, DA 01-664 (April 16, 2001); *Outerlink, Inc., Order and Authorization*, DA 02-1525 (July 2, 2002); *see also* Letter from Donald M. Kennedy, Inmarsat, to Mr. Thomas S. Tycz, FCC, File No. SES-LIC-19980415-00436 (December 19, 2000), at 1 (“As a result of technical discussions and observations, Inmarsat has concluded that uplink transmissions from Outerlink mobile earth stations are not expected to cause harmful interference to Inmarsat’s uplink operations.”). The Bureau did not simply permit MSV to operate using these frequencies and hope that MSV and Inmarsat would resolve the inevitable interference disputes that would occur absent coordination.

⁷ In the *MSV-1* and *MSV-SA* cases which BT cites, no entity claimed that these satellites would cause harmful interference. It was thus entirely reasonable for the Bureau to license these satellites in advance of coordination. Conversely, in the case of the Inmarsat 4F2 satellite, its proposed use of loaned frequencies as well as its wider bandwidth carriers, higher aggregate EIRP, and greater number of co-channel reuse beams relative to any satellite Inmarsat has operated previously means that harmful interference will occur absent prior coordination. In addition, the *MSV-1* and *MSV-SA* satellites are years away from launch, thus making it reasonable for the Bureau to conclude that any interference issues will be resolved through coordination prior to actual operation. Conversely, an earth station application such as that presented here is fundamentally different because it means that operation of the uncoordinated Inmarsat 4F2 satellite and the resulting harmful interference are imminent. Moreover, in granting the *MSV-1* and *MSV-SA* licenses, the Bureau specifically stated that an authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination with other Administrations. *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (May 23, 2005) (“*MSV-1 Order*”), at ¶ 79; *Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-50 (January 10, 2005) (“*MSV-SA Order*”), at ¶ 58.

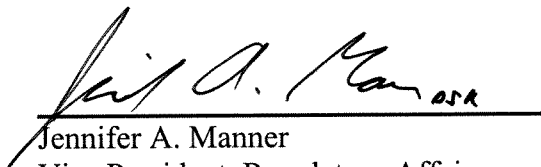
Conclusion

Based on the foregoing, the Bureau should hold in abeyance the BT application until the conclusion of an L band coordination agreement.

Respectfully submitted,



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Dated: May 4, 2006

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 4th day of May 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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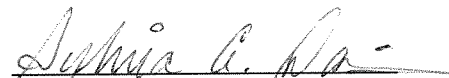
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