

December 6, 2006

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: *Joint Response to MSV Ex Parte Letter*
File Numbers Listed on Exhibit A**

Dear Ms. Dortch:

BT Americas Inc., FTMSC US LLC, MVS USA, Inc., Stratos Communications, Inc., Telenor Satellite Inc., and Thrane & Thrane Airtime Ltd. (collectively, the “Licensees”), together with Inmarsat Ventures Limited (“Inmarsat”), oppose the letter request of MSV¹ to impose new conditions on the special temporary authorizations (“STAs”) and pending applications to provide Broadband Global Area Network service (“BGAN”) using the Inmarsat-4 spacecraft (“I-4”). As set forth below, the Licensees have successfully provided BGAN over I-4 pursuant to STAs for approximately six months, and MSV provides no good reason to alter the terms on which BGAN is currently provided.

I. BGAN REPRESENTS A LEAP FORWARD IN MSS COMMUNICATIONS

BGAN represents a dramatic advancement in MSS communications capabilities. BGAN provides voice and broadband service at speeds of almost half a megabit per second, and uses highly portable and easily deployed “notebook sized” user terminals that are one-third the price, size and weight of those previously available for use on the Inmarsat system. In addition to its advanced capabilities, BGAN also is easy to set up and to use, addressing one of the major concerns related to the deployment of other satellite services in emergency scenarios.² After connecting a BGAN terminal to any laptop computer (with a standard USB cable or using a Bluetooth or Wi-Fi connection), mobile users of all types have immediate voice and data connectivity regardless of the state of the terrestrial network. A *single* BGAN terminal with Wi-Fi capability can provide wireless voice and high-speed broadband service to ten users in the vicinity of the terminal.

Moreover, BGAN’s use of IP technology makes possible greater flexibility and operability than ever before. When combined with other information technology advances, BGAN’s small, lightweight terminals provide a highly portable communications link to support

¹ Letter from Jennifer Manner, Mobile Satellite Ventures LP, to Marlene H. Dortch, FCC (filed November 22, 2006) (“MSV Letter”).

² *See Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, Report and Recommendations to the Federal Communications Commission at 10 (June 12, 2006).

both individual first responders and mobile command posts. In addition, because it provides interoperable connectivity with other IP-based technologies, BGAN supports new technology-based solutions that address the pressing problem of first responder interoperability. For example, a BGAN terminal connected to a portable cell phone tower would quickly re-establish communications among first responders over their terrestrial wireless communications devices while the terrestrial network is being restored. Similar solutions have been developed to support remote access to land mobile radios when terrestrial infrastructures are disrupted.

Since commencement of operations, BGAN has served a vital, and growing, role for U.S. federal, state and municipal governments, relief organizations and commercial users. The existing STAs support the provision of service to *all* of these types of users, not just the limited class of emergency responders MSV describes in its letter request.³ Where no other communications service can reach, or where weather or disasters preclude use of terrestrial networks, Inmarsat's MSS system provides an instantaneously-available, reliable and highly secure communications link.

II. NEW LICENSE CONDITIONS ARE NOT WARRANTED

In its letter, MSV concedes that BGAN has not caused harmful interference and that the Licensees are *well within* the 5,000 mobile earth terminal limit in each of their STAs. Nonetheless, MSV asks that the Commission: (1) establish a firm expiration date for the STAs; (2) restrict BGAN availability only to a limited class of emergency responders; and (3) require the Licensees to disclose the number of BGAN terminals in operation in the United States. None of these conditions is warranted.

First, MSV's request that the Commission set a firm expiration date would disserve the public interest. The Licensees already have fully responded to this MSV request on several occasions,⁴ and in order to preserve Commission resources, incorporate by reference those responses. By all accounts, each Licensee has complied with the conditions of its STA. Nowhere does MSV dispute this. Furthermore, MSV again has failed to demonstrate that the current conditions have proven inadequate to constrain the potential for harmful interference to MSV. Moreover, each STA expressly requires that the Licensee provide service on a non-interference basis.

MSV essentially requests that the Commission take BGAN terminals out of the hands of government and commercial end users in the United States who already have identified a need to maintain the availability of BGAN service for both regular use and emergency preparedness. MSV has not even remotely begun to explain why the extreme measure of terminating service would be warranted. In contrast to the substantial public interest in ensuring

³ MSV Letter at 3 & n.10.

⁴ See, e.g., Joint Reply, File Nos. SES-STA-20061103-01946 *et al.* (filed Nov. 22, 2006); Joint Opposition of the Licensees and Inmarsat, File Nos. SES-STA-20060310-00419 *et al.* (filed June 19, 2006).

that BGAN services continue to be available to U.S. government agencies, relief organizations, and industry, there are no countervailing harms to continued authorization of BGAN in the United States under the existing STA terms.

Second, MSV has not provided *any* basis for its suggestion that BGAN service should be available only to a very narrowly circumscribed class of emergency responders. Doing so would not only unduly restrict who constitutes an “authorized” first responder, but also would unnecessarily preclude others who need BGAN service from using that service when the need arises. Today, BGAN is available to the U.S. military, federal, state and local governments, relief organizations, the media and other commercial users. BGAN’s higher data-rate capabilities, smaller, easier to use mobile terminals, and greater operational flexibility promise benefits and uses far beyond the narrow category of emergency responders proposed by MSV. MSV’s request would put BGAN service providers in the difficult position of determining which users could avail themselves of the service, denying service to many users with important roles in an emergency situation. It would also create an unnecessary enforceability quagmire for the Commission if it were put in the position of having to police this arbitrary restriction. MSV’s request to limit provision of BGAN only to a subset of users that benefit from the service therefore would disserve the public interest and should be denied.

Third, the Commission should not adopt MSV’s proposal that the Licensees file information on the number of BGAN terminals currently operating in the United States using I-4. As an initial matter, MSV has not presented a legitimate reason for seeking this data. Indeed, MSV has failed to show that it has been harmed by BGAN operations, or that the BGAN licensees have exceeded their authorized number of BGAN terminals or otherwise failed to comply with any of their license conditions. Moreover, specific terminal usage information is competitively sensitive and the public availability of such information could harm the Licensees and Inmarsat. In fact, the information requested by MSV is exactly the type of information that is typically provided only on a confidential basis -- by *all* parties -- as part of the L-Band coordination process provided for by the Mexico City Memorandum of Understanding.⁵ Such information most certainly should not be required as part of a Commission licensing proceeding in which there is no indication that BGAN service has caused harmful interference.

⁵ *FCC Hails Historic Agreement on International Satellite Coordination*, Report No. IN 96-16 (rel. Jun. 25, 1996).

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For the foregoing reasons, the Commission should not impose further conditions on the Licensees, as requested by MSV.

Respectfully submitted,

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Exhibit A

Pending Applications to Provide BGAN Services with Inmarsat 4F2

Applicant	File Number
Stratos Communications Inc.	SES-LFS-20050826-01175 (Call Sign E050249) SES-AMD-20050922-01313 (Call Sign E050249) SES-AMD-20051117-01590 (Call Sign E050249)
Telenor Satellite, Inc.	SES-LFS-20050930-01352 (Call Sign E050276) SES-AMD-20051111-01564 (Call Sign E050276) SES-AMD-20060109-00019 (Call Sign E050276) SES-AMD-20060607-00942 (Call Sign E050276)
FTMSC US, LLC	SES-LFS-20051011-01396 (Call Sign E050284) SES-AMD-20051118-01602 (Call Sign E050284) SES-AMD-20060605-00926 (Call Sign E050284)
MVS USA, Inc.	SES-LFS-20051123-01634 (Call Sign E050348) SES-AMD-20060329-00540 (Call Sign E050348)
BT Americas Inc.	SES-LFS-20060303-00343 (Call Sign E060076) SES-AMD-20060316-00448 (Call Sign E050284)
Thrane & Thrane Airtime Ltd.	SES-LFS-20060522-00852 (Call Sign E060179)

Applications for STA to Provide BGAN Services with Inmarsat 4F2

Applicant	File Number
Stratos Communications Inc.	SES-STA-20061103-01946 (Call Sign E050249)
Telenor Satellite, Inc.	SES-STA-20061027-01898 (Call Sign E050276)
FTMSC US, LLC	SES-STA-20061006-01820 (Call Sign E050284)
MVS USA, Inc.	SES-STA-20061106-01955 (Call Sign E050348)
BT Americas Inc.	SES-STA-20061101-01933 (Call Sign E060076)
Thrane & Thrane Airtime Ltd.	SES-STA-20061019-01868 (Call Sign E060179)

CERTIFICATE OF SERVICE

I, Jeffrey A. Marks, hereby certify that on this 6th day of December, 2006, I caused to be served a true copy of the foregoing, by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

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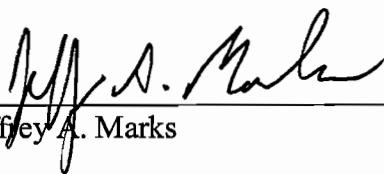
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