

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
TELENOR SATELLITE, INC.)	
)	
Application for Modification of Blanket)	File No. SES-MFS-20060118-00050
License to Operate Inmarsat M-4 Mobile Earth)	Call Sign E000280
Terminals with Inmarsat 4F2 at 52.75° W.L.)	
Application for Modification of Blanket)	File No. SES-MFS-20060118-00051
License to Operate Inmarsat Mini-M Mobile Earth)	Call Sign E000282
Terminals with Inmarsat 4F2 at 52.75° W.L.)	
Application for Modification of Blanket)	File No. SES-MFS-20060118-00052
License to Operate Inmarsat M Mobile Earth)	Call Sign E000283
Terminals with Inmarsat 4F2 at 52.75° W.L.)	
Application for Modification of Blanket)	File No. SES-MFS-20060118-00053
License to Operate Inmarsat B Mobile Earth)	Call Sign E000285
Terminals with Inmarsat 4F2 at 52.75° W.L.)	

To: International Bureau

OPPOSITION

Telenor Satellite, Inc. (“Telenor”) hereby opposes the Petition to Hold in Abeyance (“Petition”) filed by Mobile Satellite Ventures Subsidiary LLC (“MSV”) in this proceeding.

I. INTRODUCTION AND SUMMARY

The Applications at issue in this proceeding seek license modifications to allow Telenor’s mobile earth terminals (“METs”) to communicate with the Inmarsat 4F2 satellite, which was launched on November 8, 2005 and has been deployed at the 52.75° W.L. orbital location. Grant of Telenor’s Applications is in the public interest because it will enable Telenor to continue providing its customers with existing and evolved (“E&E”) services that were previously offered via the Inmarsat 3F4 satellite. Telenor’s customers for these services include the U.S. Navy, the

U.S. Coast Guard, the Department of State, the Department of Homeland Security, and the National Guard, as well as private industry. The Commission has previously granted STAs for these terminals, but permanent authorizations are needed to ensure continuity of service.

Significantly, the services to be provided pursuant to these Applications are (and will be) provided on Inmarsat 4F2 over the same frequencies that were used on Inmarsat 3F4. Moreover, they employ EIRP spectral densities that are no greater than those used previously, and will be offered in a manner consistent with the technical parameters established in 1992 under which Inmarsat has successfully coexisted with MSV for years without causing harmful interference.

In its Petition, MSV seeks yet again to use the applications process as leverage in its ongoing dispute with Inmarsat over the use of L-band frequencies.¹ That dispute should be resolved through the coordination mechanism established by the Mexico City Memorandum of Understanding (“Mexico City MOU”). A new international L-band coordination agreement is not needed before Telenor’s Applications can be granted. Indeed, two MSV satellite applications were granted last year on a non-interference basis and in the absence of a new coordination agreement. There is no justification for treating Telenor’s Applications differently. Moreover, it would contravene U.S. WTO obligations to use the Commission’s licensing processes to provide MSV with leverage in international coordination negotiations.

II. GRANT OF THE APPLICATIONS WILL ENABLE TELENOR TO CONTINUE PROVIDING ESSENTIAL SERVICES TO ITS CUSTOMERS.

The terminals that are the subject of these Applications are used to provide Inmarsat B and M services. Both of these services are currently used by Telenor’s customers to meet critical telecommunications needs, and both will continue to be needed in the future.

¹ Yet again, MSV’s Petition relies on confidential information that has not been provided to Telenor. Accordingly, we cannot respond fully to MSV’s arguments. We continue to maintain that the Bureau should not rely on any confidential information in reaching its decision on these Applications.

Telenor provides Inmarsat B services to the U.S. Navy and U.S. Coast Guard, as well as to commercial shipping companies, to support communications to and from ships at sea. In addition, Telenor provides Inmarsat B services to the U.S. State Department at American embassies worldwide. Telenor also provides Inmarsat B services to the Department of Homeland Security and the National Guard, which use them to support disaster recovery and anti-terrorist activities.

Telenor's Mini-M, Aero-M and GAN services are used by every branch of the U.S. military in support of training and deployment to Iraq, Afghanistan and around the world. These services are also used by the State Department, DHS and the National Guard, as well as by news organization covering events in Iraq, Afghanistan and elsewhere.

Disruption of any of these services would be costly, and in many cases service interruption would have an adverse effect on vital national interests. Moreover, as demonstrated below, grant of these Applications will not cause harm to the existing operations of MSV or any other party. Accordingly, grant of these Applications will serve the public interest, convenience and necessity.

III. INMARSAT 4F2 WILL NOT CAUSE HARMFUL INTERFERENCE TO MSV.

Telenor's Applications provide a full technical description of the services that are being provided over Inmarsat 4F2, including all of the technical information required by Part 25 of the Commission's Rules. Moreover, Inmarsat has confirmed that, for the E&E services that are the subject of these Applications, Inmarsat 4F2 can and will operate over the same frequencies, using the same terminal types, and within the same technical envelope as Inmarsat 3F4. In particular, the EIRP spectral density of the services provided on Inmarsat 4F2 (and thus, the

potential co-channel emissions generated toward MSV) will be no greater than the EIRP spectral density of the same services as provided on Inmarsat 3F4.

Since the expiration of the 1999 L-band spectrum sharing agreement, Inmarsat and MSV have shared spectrum on a co-channel basis without harmful interference. Moreover, the Inmarsat L-band network at 54° W.L. has been coordinated with MSV and notified to the ITU. The relocation of that network to 52.75° W.L. has had no adverse impact on MSV, and MSV's Petition contains no evidence to the contrary. Indeed, two of MSV's three "interference" arguments do not raise interference concerns at all,² and the third has been dealt with by Inmarsat's commitment to provide E&E services via Inmarsat 4F2 within the same technical envelope as on Inmarsat 3F4. Thus, Telenor's Applications should be granted, subject only to the condition that service be provided on a non-harmful interference basis in the absence of an L-band spectrum sharing agreement.

IV. A NEW L-BAND COORDINATION AGREEMENT IS NOT A PREREQUISITE TO A GRANT OF TELENOR'S APPLICATIONS.

MSV again asserts that action on Telenor's Applications should be delayed until the conclusion of an L-band coordination agreement. However, the absence of such an agreement is no bar to action on pending L-band applications, as MSV's own experience demonstrates. In the past fifteen months, the Bureau has granted two MSV applications to operate in the L-band – one for a replacement satellite at 101° W.L., and the other for a new satellite (not contemplated by

² MSV claims interference due to Inmarsat's continued use of disputed spectrum, and also from Inmarsat's proposal to operate across the entire L-band. But it is undisputed that the provision of E&E services via Inmarsat 4F2 will not cause harmful interference to MSV's existing operations as long as those services are provided using the same frequencies and technical envelope as on Inmarsat 3F4. In reality, these are spectrum allocation issues, not interference issues, and they should be dealt with through the processes established in the Mexico City MOU and not in these license proceedings.

the Mexico City MOU) at 63.5 ° W.L.³ Rather than delay action on either application, the Bureau granted both on a non-interference basis.⁴ Telenor merely asks that the Bureau treat its Applications in a similar manner.

Inmarsat 4F2 is licensed by the United Kingdom, a WTO Member. Therefore, the Commission must afford the same treatment to Inmarsat service providers such as Telenor that it does to MSV. To do otherwise would be a violation of U.S. market access commitments in the WTO Agreement. In 1999 and again in 2001, the Commission declined to exact coordination concessions favorable to MSV as the price for U.S. market access, because to do so would violate U.S. WTO commitments.⁵ The same principle applies with equal force today.

V. MSV'S ADDITIONAL ISSUES ARE WITHOUT MERIT.

A. The Inmarsat 4F2 Is Properly Regarded as a Replacement Satellite.

MSV again suggests that Inmarsat 4F2 is not a replacement satellite under the Mexico City MOU. However, as stated previously, the Inmarsat 4F2 will use the same service link frequencies as the Inmarsat 3F4, and will be located only 1.25° from the current location of the Inmarsat 3F4. Thus, Inmarsat 4F2 will serve as an operational substitute to, and will operate within the umbrella of the technical parameters previously coordinated for, its predecessor, Inmarsat 3F4. For these reasons, the Inmarsat 4F2 can properly be considered as a replacement satellite under the Commission's Rules.

³ *Mobile Satellite Ventures Subsidiary LLC*, DA 05-50 (rel. Jan. 10, 2005) (“*MSV 101° Order*”); *Mobile Satellite Ventures Subsidiary LLC*, DA 05-1492 (rel. May 23, 2005) (“*MSV 63.5° Order*”).

⁴ *MSV 101° Order* at ¶ 59; *MSV 63.5° Order* at ¶ 39.

⁵ See *Satcom Systems, Inc., et al.*, 14 FCC Rcd 20798, 20813 (1999) (“*TMI Market Access Order*”); *COMSAT Corp. d/b/a COMSAT Mobile Communications et al.*, 16 FCC Rcd. 21661, 21669 (rel. Oct. 9, 2001) (“*Inmarsat Market Access Order*”). See also *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed satellites to Provide Domestic and International Satellite Services in the United States*, 12 FCC Rcd. 24094, 24104 (1997) (“*DISCO-IP*”).

B. There Is No Station-Keeping Issue with Respect to Inmarsat 4F2.

MSV persists in raising a station-keeping issue with respect to Telenor's Applications, but the rule in question, 47 C.F.R. § 25.210(j), does *not* apply to MSS satellites, and MSV does not attempt to explain why the Commission should impose station-keeping conditions on a case-by-case basis. In any event, Inmarsat has coordinated the operation of Inmarsat 4F2 with adjacent operators and has ensured that the station-keeping boxes do not overlap. Accordingly, the Telenor Applications do not raise any station-keeping concerns.

VI. CONCLUSION

For the reasons stated above, the Bureau should dismiss or deny the latest MSV Petition and should promptly grant the Telenor Applications.

Respectfully submitted,

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CERTIFICATE OF SERVICE

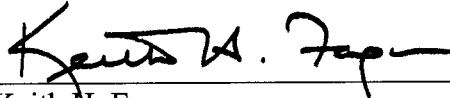
I, Keith H. Fagan, hereby certify that on this 16th day of March, 2006, I served a copy of the foregoing "Opposition" by first class mail, postage prepaid, upon the following:

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