

**PUBLIC COPY – REDACTED**

March 24, 2006

**Via Hand Delivery**

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

**Re: Petition of Mobile Satellites Ventures Subsidiary LLC to Hold in Abeyance  
Application of Telenor Satellite, Inc.  
File No. SES-MFS-20060130-00172 (Call Sign KA249)**

Dear Ms. Dortch:

Mobile Satellites Ventures Subsidiary LLC (“MSV”) hereby files this redacted, public version of a Petition to Hold in Abeyance the above-referenced application of Telenor Satellite, Inc. (“Telenor”) to operate a fixed earth station with the Inmarsat 3F4 satellite which has recently been relocated to 142°W.<sup>1</sup> As discussed herein, certain information provided in the attached Petition should be treated as confidential.<sup>2</sup>

**47 C.F.R. § 0.459(b)(1) -- Identification of the specific information for which confidential treatment is sought**

MSV requests confidential treatment of information relating to the *Mexico City Memorandum of Understanding* and the on-going international L band frequency coordination process which is confidential to the parties to that coordination, which includes the Commission and MSV.<sup>3</sup> When considering other applications to use Inmarsat satellites in the United States,

---

<sup>1</sup> See Telenor Satellite, Inc., Application, File Nos. SES-MFS-20060130-00172 (Call Sign KA249) (January 30, 2006) (“*Telenor Application*”).

<sup>2</sup> 47 C.F.R. § 0.459(b).

<sup>3</sup> See *Memorandum of Understanding for the Intersystem Coordination of Certain Geostationary Mobile Satellite Systems Operating in the Bands 1525-1544/1545-1559 MHz and 1626.5-1646.5/1646.5-1660.5 MHz*, Mexico City, Mexico, 18 June 1996.

**PUBLIC COPY – REDACTED**

the Commission has acknowledged the confidentiality of this information and has afforded it confidential treatment.<sup>4</sup>

**47 C.F.R. § 0.459(b)(2) -- Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission**

This information is being filed in MSV's Petition to Hold in Abeyance the above-referenced Telenor application.

**47 C.F.R. § 0.459(b)(3) -- Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged**

As the Commission has acknowledged, the *Mexico City Memorandum of Understanding* and related coordination documents are confidential.<sup>5</sup>

**47 C.F.R. § 0.459(b)(4) -- Explanation of the degree to which the information concerns a service that is subject to competition**

The information contained herein concerns the market for wireless services, in which MSV faces competition from other MSS providers as well as from terrestrial wireless operators.

**47 C.F.R. § 0.459(b)(5) -- Explanation of how disclosure of the information could result in substantial competitive harm**

Disclosure of the information for which confidential treatment is sought would result in violation of the *Mexico City Memorandum of Understanding*.

**47 C.F.R. § 0.459(b)(6) -- Identification of any measures taken by the submitting party to prevent unauthorized disclosure**

Disclosure to third parties of the information for which confidential treatment is sought has been strictly pursuant to non-disclosure agreements.

---

<sup>4</sup> See *COMSAT Corporation et. al., Memorandum Opinion, Order and Authorization*, 16 FCC Red 21661, ¶¶ 111 (2001) ("*COMSAT Order*") ("The Mexico City Agreement and related coordination documents, such as minutes of coordination meetings, are considered confidential.").

<sup>5</sup> *Id.*

**PUBLIC COPY – REDACTED**

**47 C.F.R. § 0.459(b)(7) -- Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties**

The information for which confidential treatment is sought is not publicly available. Disclosure to third parties of the information for which confidential treatment is sought has been strictly pursuant to non-disclosure agreements.

**47 C.F.R. § 0.459(b)(8) -- Justification of the period during which the submitting party asserts that material should not be available for public disclosure**

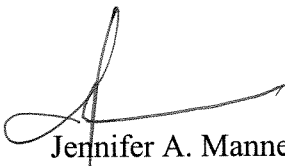
The information for which confidential treatment is sought should remain confidential indefinitely or until the parties to the *Mexico City Memorandum of Understanding* agree that it can be made publicly available.

**47 C.F.R. § 0.459(b)(9) -- Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted**

N/A.

Please contact the undersigned with any questions.

Very truly yours,



Jennifer A. Manner

**PUBLIC COPY - REDACTED**

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

In the matter of )  
 )  
Telenor Satellite, Inc. )  
Application for Modification of Fixed Earth Station ) File No. SES-MFS-20060130-00172  
License to Operate with Inmarsat 3F4 at 142°W ) (Call Sign KA249)

**PETITION TO HOLD IN ABEYANCE**

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby files this Petition to Hold in Abeyance the above-referenced application filed by Telenor Satellite, Inc. (“Telenor”) to operate a fixed earth station with the Inmarsat 3F4 satellite which has recently been relocated to 142°W.<sup>1</sup> The International Bureau (“Bureau”) should not grant the application until after Inmarsat coordinates with MSV and MSV Canada the operation of its Inmarsat 3F4 satellite at 142°W, including the proposed use of the 1545.8-1548 MHz band. The proposed frequencies are among those MSV and MSV Canada have coordinated for their use in North America, and Telenor has failed to even attempt to demonstrate that its proposed operations could share spectrum with those of MSV and MSV Canada.

**Background**

*MSV.* MSV is the entity authorized by the Commission in 1989 to construct, launch, and operate a United States Mobile Satellite Service (“MSS”) system in the L band.<sup>2</sup> MSV’s

---

<sup>1</sup> See Telenor Satellite, Inc., Application, File No. SES-MFS-20060130-00172 (Call Sign KA249) (January 30, 2006) (“*Telenor Application*”). As one of the L band Mobile Satellite Service (“MSS”) operators in North America which could be subjected to harmful interference from grant of this application, MSV is a “party in interest” with standing to file this Petition. See 47 U.S.C. § 309(d)(1). Moreover, MSV has standing as a competitor in the MSS market. See *FCC v. Sanders Brothers Radio Station*, 309 U.S. 475, 477 (1940).

<sup>2</sup> *Order and Authorization*, 4 FCC Rcd 6041 (1989); *remanded by Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428 (D.C. Cir. 1991); *Final Decision on Remand*, 7 FCC Rcd 266 (1992); *aff’d*,

## PUBLIC COPY - REDACTED

licensed satellite (AMSC-1 or MSAT-2) was launched in 1995, and MSV began offering service in 1996. MSV is also the successor to TMI Communications and Company, Limited Partnership (“TMI”) with respect to TMI’s provision of L band MSS in the United States. Today, MSV offers a full range of land, maritime, and aeronautical satellite services, including voice and data, using both its own U.S.-licensed satellite and the Canadian-licensed L band satellite (MSAT-1) licensed to Mobile Satellite Ventures (Canada) Inc. (“MSV Canada”). In January 2005, the Bureau licensed MSV to launch and operate an L band MSS satellite at 63.5°WL (called “MSV-SA”) to provide MSS in South America.<sup>3</sup> In May 2005, the Bureau licensed MSV to launch and operate a replacement L band MSS satellite at 101°WL (called “MSV-1”).<sup>4</sup>

*L band coordination process.* Spectrum in the L band in North America is shared primarily among five operators: MSV, MSV Canada, Inmarsat, and Mexican and Russian systems.<sup>5</sup> The five Administrations that license these systems reached an agreement in 1996 for a framework for future coordination of the L band spectrum in North America, called the Mexico City Memorandum of Understanding (“*Mexico City MoU*”).<sup>6</sup> Under the *Mexico City MoU*, the L band operators are each assigned certain specific frequencies to use on their specific satellites through multi-party operator agreements, called Spectrum Sharing Arrangements (“SSA”).

---

*Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275 (D.C. Cir. 1993); *see also AMSC Subsidiary Corporation, Memorandum Opinion and Order*, 8 FCC Rcd 4040 (1993).

<sup>3</sup> *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-50 (January 10, 2005) (“*MSV-SA Order*”).

<sup>4</sup> *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (May 23, 2005) (“*MSV-1 Order*”).

<sup>5</sup> The L band spectrum in North America is also shared with Japan’s MTSAT satellite, but only in and near the Pacific Ocean.

<sup>6</sup> *See Memorandum of Understanding for the Intersystem Coordination of Certain Geostationary Mobile Satellite Systems Operating in the Bands 1525-1544/1545-1559 MHz and 1626.5-1646.5/1646.5-1660.5 MHz*, Mexico City, Mexico, 18 June 1996 (“*Mexico City MoU*”).

## PUBLIC COPY - REDACTED

Since 1999, all the L band operators, only recently with the exception of Inmarsat, have been operating on a non-interference basis using spectrum assignments listed in the 1999 SSA for specific satellites, orbital locations, earth stations, services (carrier types and emission levels), satellite antenna beams and the associated main beam and sidelobe roll-off, and service areas. At the last L band operators meeting, held in 1999, Inmarsat committed to abide by the terms of the 1999 SSA.<sup>7</sup>

**REDACTED**

is consistent with its earlier commitment to respect the 1999 SSA, as is the statement it made in its April 2005 securities filing that “the amount of spectrum available to each operator is currently frozen at the levels agreed in 1999.”<sup>8</sup>

*Telenor Application.* Telenor is a distributor of Inmarsat’s services in the United States. In November 2001, the Commission authorized various entities, including Telenor’s predecessor, COMSAT Mobile, to operate in the United States using Inmarsat-3 satellites.<sup>9</sup> The Commission granted the applications subject to the condition that operations be conducted on a non-interference basis, using only those frequencies coordinated for Inmarsat-3 satellites under the 1999 SSA. *See COMSAT Order* ¶ 115(c)-(d).

---

7

**REDACTED**

Indeed, even more recently, the Commission was under the impression that “the parties continue to operate under the 1999 assignments pending further negotiations.” *See Flexibility for Delivery of Communications by MSS Providers, Report and Order*, IB Docket No. 01-185, 18 FCC Rcd 1962, n.144 (February 10, 2003) (“*ATC Order*”).

<sup>8</sup> *See* Inmarsat Finance plc, Form F-4 Registration Statement -- Exchange Offer for 7 5/8% Senior Notes due 2012 (May 25, 2004), at 10 (available at: <http://www.sec.gov/Archives/edgar/data/1291401/000104746905012474/0001047469-05-012474-index.htm>).

<sup>9</sup> *See COMSAT Corporation et. al., Memorandum Opinion, Order and Authorization*, 16 FCC Rcd 21661 (2001) (“*COMSAT Order*”).

## PUBLIC COPY - REDACTED

Telenor currently holds a license for a fixed earth station in Santa Paula, CA which authorizes operation with the Inmarsat-3 (POR) satellite at 178°E and the Inmarsat-2 (POR) satellite at 179°E. *See* Call Sign KA249. Among other frequency bands, the license specifies receive operations in the 1545.8-1548 MHz band for “digital data and feederlink to support FAA – WAAS Program.”<sup>10</sup> In the above-referenced application, Telenor seeks to modify this license to permit operation with the Inmarsat 3F4 satellite which has recently been relocated to 142°W to replace an uncoordinated Inmarsat-2 satellite at 142°W that, according to Inmarsat, was “running out of fuel” and would be “decommissioned shortly.”<sup>11</sup>

### Discussion

Inmarsat has not coordinated the operation of its Inmarsat 3F4 satellite at 142°W (or at any orbital location other than 54°W) with MSV or other L band operators. In fact, MSV did not learn of Inmarsat’s proposal to move the Inmarsat 3F4 satellite from 54°W to 142°W until December 16, 2005, when Inmarsat’s distributors filed a series of emergency STA requests to operate with another uncoordinated Inmarsat satellite that is now operating at the nominal orbital location that the Inmarsat 3F4 satellite has vacated.<sup>12</sup> Inmarsat’s proposed operation of the Inmarsat 3F4 satellite at 142°W is the latest in a growing number of uncoordinated satellite operations Inmarsat is conducting in North America, which will now include uncoordinated

---

<sup>10</sup> It is unclear what Federal Aviation Administration (“FAA”) program, if any, relies on Telenor’s Wide Area Augmentation System (“WAAS”) operations using these frequencies. MSV’s understanding is that the only operational FAA WAAS sponsored downlink transmissions are in the band 1559-1610 MHz, outside of the MSS L band, and that any transmissions in the MSS L band are not part of the current WAAS system.

<sup>11</sup> *See* Telenor Communications, Inc., Request for Special Temporary Authority, File No. SES-STA-20060118-00055 et al (January 18, 2006), Norton Declaration at ¶ 2.

<sup>12</sup> *See, e.g.*, Stratos Communications, Inc., Request for Special Temporary Authority, File No. SES-STA-20051216-01760 et al (December 16, 2005).

## PUBLIC COPY - REDACTED

satellites operating at 52.75°W, 98°W, 142°W, and 143.5°E. The Bureau should defer action on this application until Inmarsat coordinates the Inmarsat 3F4 satellite at its new location with other L band operators.

The Bureau should also require Inmarsat to coordinate with MSV and MSV Canada prior to using the 1545.8-1548 MHz band specified in Telenor's current license. This band includes frequencies coordinated for MSV and MSV Canada in the 1999 SSA. Inmarsat has never coordinated its use of these frequencies with MSV or MSV Canada. Moreover, MSV is concerned that Telenor may claim protection from MSV or MSV Canada to the extent they cause interference to Telenor's operations using these frequencies.<sup>13</sup> Particularly if Telenor intends to provide safety services, it would be critical not to authorize any commencement of service without resolution of such fundamental interference issues.

---

<sup>13</sup> See *Outerlink, Inc., Order and Authorization*, DA 02-1525 (July 2, 2002). In *Outerlink*, the Bureau permitted an MSV customer to provide service using frequencies coordinated for Inmarsat in the 1999 SSA, but only after Inmarsat consented to the operation after concluding, based on bilateral coordination discussions with MSV, that harmful interference would not occur to Inmarsat and that the MSV customer would not claim protection from interference.

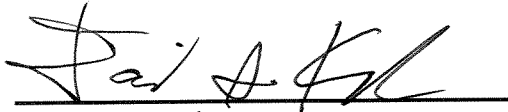


**PUBLIC COPY - REDACTED**

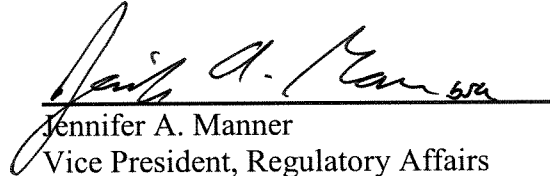
**Conclusion**

Based on the foregoing, the Bureau should hold in abeyance the Telenor application until after Inmarsat coordinates with MSV and MSV Canada the operation of its Inmarsat 3F4 satellite at 142°W, including the proposed use of the 1545.8-1548 MHz band.

Respectfully submitted,



Bruce D. Jacobs  
David S. Konczal  
**PILLSBURY WINTHROP  
SHAW PITTMAN LLP**  
2300 N Street, NW  
Washington, DC 20037-1128  
(202) 663-8000



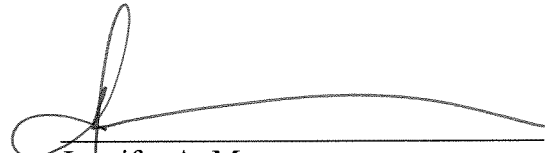
Jennifer A. Manner  
Vice President, Regulatory Affairs  
**MOBILE SATELLITE VENTURES  
SUBSIDIARY LLC**  
10802 Parkridge Boulevard  
Reston, Virginia 20191  
(703) 390-2700

Dated: March 24, 2006

### **Declaration of Jennifer A. Manner**

1. I am the Vice President, Regulatory Affairs of Mobile Satellite Ventures Subsidiary LLC.
2. I have read the foregoing Petition to Hold in Abeyance the application of Telenor Satellite, Inc. ("Telenor").
3. I have personal knowledge of the facts stated in the Petition to Hold in Abeyance. The facts set forth in the Petition, other than those of which official notice may be taken, are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.



Jennifer A. Manner

Executed on March 24, 2006

**Technical Certification**

I, Richard O. Evans, Senior Engineer of Mobile Satellite Ventures Subsidiary LLC, certify under penalty of perjury that:

I am the technically qualified person with overall responsibility for the technical information contained in this Petition to Hold in Abeyance. I am familiar with the Commission's rules, and the information contained in the Petition to Hold in Abeyance is true and correct to the best of my knowledge and belief.

  
Richard O. Evans

Dated: March 24, 2006

**PUBLIC COPY - REDACTED**

**CERTIFICATE OF SERVICE**

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 24th day of March 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

Roderick Porter\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Gardner Foster\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Richard Engelman\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

John Martin\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

James Ball\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Cassandra Thomas\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Karl Kensinger\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Fern Jarmulnek\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Robert Nelson\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

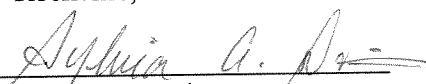
Andrea Kelly\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Stephen Duall\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Howard Griboff\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Scott Kotler\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Keith H. Fagan  
Telenor Satellite, Inc.  
1101 Wootton Parkway  
10<sup>th</sup> Floor  
Rockville, MD 20852

  
Sylvia A. Davis

\*By electronic mail