

September 20, 2006

Via Hand Delivery

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

Re: Application of Telenor Satellite, Inc.
File No. SES-MFS-20060725-01253
File No. SES-AMD-20060804-01310
Call Sign E980136

Dear Ms. Dortch:

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby responds to the September 14th letter filed by Telenor Satellite, Inc. (“Telenor”) in response to MSV’s Petition to Hold in Abeyance the above-referenced Telenor application to operate a fixed earth station with the Inmarsat 3F4 satellite at 142°W.¹ In its Petition, MSV explained that the International Bureau (“Bureau”) should not grant this application until after (i) Telenor provides a valid justification for its proposed use of certain Mobile Satellite Service (“MSS”) L band downlink frequencies (1545.8-1548 MHz); (ii) Inmarsat coordinates with MSV and Mobile Satellite Ventures (Canada) Inc. (“MSV Canada”) its proposed use of the 1545.8-1548 MHz band, which includes frequencies coordinated for MSV and MSV Canada; (iii) Inmarsat coordinates the operation of the Inmarsat 3F4 satellite at 142°W with other L band operators to mitigate the significant risk of interference to other L band operators; and (iv) Telenor seeks a waiver of the Commission’s longitudinal station keeping rule.

In its letter, Telenor claims that it never sought to operate this fixed earth station in the MSS L band, thus allegedly making MSV’s Petition “utterly baseless,” and accuses MSV of needlessly burdening the Commission. In fact, Telenor should be more careful in making such unfounded accusations. Telenor’s application clearly requests that “all previously licensed

¹ See Letter from Keith H. Fagan, Telenor Satellite Inc., to Ms. Marlene H. Dortch, FCC, File No. SES-MFS-20060725-01253 (Call Sign E980136) et al (September 14, 2006); see also Telenor Satellite, Inc., Application, File No. SES-MFS-20060725-01253 (Call Sign E980136) (July 25, 2006) (“*Telenor Application*”); Telenor Satellite, Inc., Amendment, File No. SES-AMD-20060804-01310 (Call Sign E980136) (August 4, 2006).

services should remain as licensed,” thus including the MSS L band.² Telenor’s application also includes technical parameters pertaining to the operation of the Inmarsat 3F4 satellite in the MSS L band, again demonstrating that Telenor intended to retain its authority to operate in this band.³ While Telenor claims that it told the Bureau and MSV in an April 6th filing that the MSS L band frequencies are no longer needed for this fixed earth station, the April 6th filing was made in reference to a different Telenor fixed earth station that is not at issue here.⁴ In any event, in its April 6th filing, Telenor did not cede its authority to operate in the MSS L band; rather, Telenor stated that it should be authorized to use “any portions of the 1545.8-1548 MHz band segment currently being utilized by Inmarsat to serve the United States.”⁵ Based on these unambiguous statements, MSV cannot be faulted for assuming that Telenor intended to operate the fixed earth station at issue here in the MSS L band.

MSV also takes issue with Telenor’s claim that MSV is “burdening” the Commission by expressing concerns with Inmarsat’s uncoordinated satellite operations. It is Inmarsat – not MSV – that has decided to forego the international coordination process and to instead force the Commission into resolving complex technical issues arising from its uncoordinated operations in North America. The blame for the failure to make any progress towards coordinating Inmarsat’s satellites in North America rests solely with Inmarsat, which continues to make unreasonable demands, such as its refusal to stop its illegal use of loaned spectrum. Telenor is understandably frustrated by Inmarsat’s failure to diligently coordinate its satellites, but the fault lies with Inmarsat, not MSV.

Moreover, it is in fact Telenor – not MSV – that has continually “burdened” the Commission with last-minute, incomplete, or unnecessary applications. For example, in January 2006, Telenor sought special temporary authority (“STA”) for earlier-generation Inmarsat-C mobile terminals that it was operating without a license, forcing the Bureau to grant an emergency STA.⁶ Also in January 2006, Telenor failed to seek authority to operate its earlier-

² See *Telenor Application*, Form 312 at Question 43. Telenor’s license for this fixed earth station currently authorizes transmit and receive operations using C band frequencies, and receive-only operations using frequencies in the Global Positioning System (“GPS”) band (1574-1576 MHz) and certain frequencies in the MSS L band (1545.8-1548 MHz).

³ See *id.*, Attachment A.

⁴ See *Telenor Satellite, Inc., Opposition*, File No. SES-MFS-20060130-00172 (Call Sign KA249) (April 6, 2006) (“*Telenor Opposition*”). The April 6th Telenor filing pertains to the Telenor fixed earth station Call Sign KA249, not the Telenor fixed earth station Call Sign E980136 that is at issue in this proceeding.

⁵ See *Telenor Opposition* at 2.

⁶ See *e.g.*, *Application of Telenor Satellite Inc.*, File No. SES-STA-20060119-00064 (filed January 19, 2006; granted January 19, 2006) (“Authority granted in this STA is without

generation mobile terminals with the Inmarsat 4F2 satellite until the day before a grant was purportedly needed.⁷ In April 2006 and again in June 2006, the Bureau dismissed three Telenor applications to operate with an Inmarsat satellite for failing to provide appropriate technical information, despite instructions from the Bureau regarding the pertinent information Telenor needed to provide.⁸ In addition, Telenor recently revealed that it applied for and received STAs for fixed earth stations to operate with the Inmarsat 4F2 satellite only to disclose six months after grant, and after three renewal requests, that it never needed the STAs and never operated pursuant to the STAs.⁹ If any entity has needlessly wasted the Commission's resources, it is Telenor, not MSV.

Footnote continued from previous page

prejudice to possible enforcement action in connection with any prior unauthorized operation of Inmarsat-C terminals.”).

⁷ See, e.g., Application of Telenor Satellite Inc., File No. SES-STA-20060118-00056 et al (January 18, 2006) (the STA applications to operate Telenor's earlier-generation mobile terminals with Inmarsat 4F2 were filed on January 18, 2006, one day before Telenor's requested service commencement date, despite the fact that the Commission's rules specify that “no request for temporary authority will be considered unless it is received by the Commission at least 3 working days prior to the date of proposed construction or operation” (47 C.F.R. § 25.120(a)).

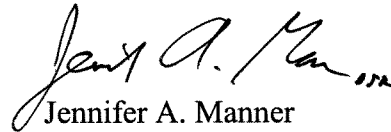
⁸ See Letter from Scott A. Kotler, FCC, to Keith H. Fagan, Telenor Satellite Inc., DA 06-945 (April 28, 2006); Letter from Scott A. Kotler, FCC, to Keith H. Fagan, Telenor Satellite Inc., DA 06-1221 (June 6, 2006).

⁹ See Letter from Keith H. Fagan, Telenor Satellite Inc., to Ms. Marlene H. Dortch, FCC, File No. SES-STA-20060308-00384 (Call Sign KA312) et al (September 6, 2006).

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Please contact the undersigned with any questions regarding this matter.

Very truly yours,


Jennifer A. Manner


CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 20th day of September 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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