

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

In the matter of)	
)	
Telenor Satellite, Inc.)	
)	
Application for Modification of Fixed Earth)	File No. SES-MFS-20060725-01253
Station License to Operate with Inmarsat 3F4 at)	(Call Sign E980136)
142°W)	
)	
Amendment to Application for Modification of)	File No. SES-AMD-20060804-01310
Fixed Earth Station License to Operate with)	(Call Sign E980136)
Inmarsat 3F4 at 142°W)	

OPPOSITION OF INMARSAT VENTURES LIMITED

Inmarsat Ventures Limited (“Inmarsat”) opposes the Petition to Hold in Abeyance (“Petition”) of Mobile Satellite Ventures Subsidiary LLC (“MSV”). This proceeding involves a request by Telenor Satellite, Inc. (“Telenor”) for license modifications to permit the provision of already-authorized Inmarsat services using a new point of communication – the Inmarsat-3 satellite at 142° W.L. (“I-3”). I-3 has replaced the Inmarsat-2 (“I-2”) spacecraft previously operating at 142° W.L., which needed to be retired before it ran out of station-keeping fuel.

No one opposes the grant of Telenor’s application. However, as with every other earth station application filed since August 2005 that seeks authority to communicate with the Inmarsat satellite network, MSV seeks to delay Commission grant.¹ Specifically, MSV asks that

¹ Inmarsat disagrees with MSV’s characterization (*see* Petition at 2-3) of the ongoing L-Band spectrum dispute between Inmarsat and MSV. Inmarsat has fully briefed this issue before and incorporates by reference recent pleadings that summarizes Inmarsat’s positions on these issues. *See, e.g.* Joint Letter from the Licensees, Inmarsat *et al.* to Marlene H. Dortch, FCC, Call Signs E010011 *et al.* (Jul. 6, 2006); Opposition of Inmarsat, File No. SES-MFS-20060118-00050, *et al.* (filed Mar. 16, 2006) (with Consolidated Opposition of Inmarsat, File No. File No. SES-MFS-20051207-01709, *et al.* (filed Feb. 2, 2006) attached thereto as Exhibit A).

the Commission not grant this application until: (i) Inmarsat completes coordination of the operation of I-3 with MSV; and (ii) Telenor seeks a waiver of the Commission's *FSS* station-keeping tolerance rules that expressly do not apply to the I-3 *MSS* spacecraft. MSV also raises questions about Telenor's potential use of the 1545.8-1548 portion of the L-Band, which Telenor has since confirmed is not the subject of this application. As set forth below, there is no basis to delay grant of authority as MSV requests.

As an initial matter, there is no issue surrounding the 1545.8-1548 MHz part of the L-Band. Different portions of this band segment are currently used today by Inmarsat and by MSV, without any known interference problems, and there is no reason that use cannot continue for the foreseeable future. More fundamentally, Telenor has clarified that it does not seek authority in this application to use the 1545.8-1548 MHz band on I-3.² Thus, MSV's claims regarding this spectrum segment have no bearing whatsoever on Telenor's application.

As to the state of coordination, Inmarsat's efforts to coordinate the operations of I-3 at 142° W.L. with MSV date back to the early part of this decade. In April 2002, the United Kingdom formally requested coordination of both I-2 and I-3 operations at 142° W.L. Inmarsat and MSV then engaged in coordination discussions, during which Inmarsat specifically identified to MSV the ITU filings covering the technical characteristics of both I-2 and I-3 operations at 142° W.L. Thus, it should not come as any surprise that Inmarsat needed to relocate the I-3 spacecraft to that location in 2006, four years after the United Kingdom first sought coordination.

Inmarsat has fulfilled its obligations to seek coordination of the I-3 spacecraft at 142° W.L., and Inmarsat has successfully operated I-2 at 142° W.L for over four years – and I-3

² Letter from Keith Fagan, Telenor Satellite, Inc., to Marlene Dortch, FCC, File Nos. SES-MFS-20060725-01253, SES-AMD-20060804-01310 (Sept. 14, 2006).

since April 2006 – without causing harmful interference. Moreover, as Inmarsat has confirmed on other occasions, in the absence of a new spectrum sharing agreement under the Mexico City MoU, Inmarsat intends to employ on I-3 the very same L-Band frequencies that Inmarsat has been using for years to serve the United States.

In these circumstances, neither ITU nor Commission precedent supports MSV's effort to foreclose service over I-3 by continuing to withhold MSV's consent to coordination. In fact, Commission precedent is clear that achieving coordination with another MSS competitor simply is *not* a condition precedent to receiving authority to provide an MSS service to the United States.³ Grant of Telenor's application to communicate with I-3 at 142° W.L. therefore is fully consistent with the recent grant of MSV's application to operate a new and uncoordinated L-Band MSS spacecraft at 63.5° W.L.⁴ The Commission granted that application just last year without imposing any obligation on MSV to effectuate coordination with Inmarsat prior to launching or operating MSV's spacecraft.

As a final matter, there is no need for Telenor to seek a waiver of the FSS station keeping rules as part of an application to provide MSS services over I-3. As in past pleadings, MSV correctly notes that “the Commission rule requiring [FSS] satellites to operate with $\pm 0.05^\circ$ East-West station keeping does not apply to MSS satellites,”⁵ such as the I-3 satellite over which Telenor seeks to provide service. Indeed, that point was established in a rulemaking decision by

³ See *Establishment of Policies and Service Rules for MSS in the 2 GHz Band*, 15 FCC Rcd 16127, 16192 ¶ 148-49 (2000); *SatCom Systems, Inc.*, 14 FCC Rcd 20798, 20813 ¶ 30 (1999); *Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to MSS in the 1610-1626.5/2483.5-2500 MHz Frequency Bands*, 9 FCC Rcd 5936, 6018 ¶ 211 (1994); *AMSC Sub. Corp.*, 8 FCC Rcd 4040, 4043 ¶ 17 (1993).

⁴ *Mobile Satellite Ventures Subsidiary LLC, Application for Authority to Launch and Operate an L-band Mobile Satellite Service Satellite at 63.5° W.L.*, 20 FCC Rcd 479 (2005). MSV recently surrendered this authorization.

⁵ MSV Petition at 8.

the full Commission just two years ago.⁶ Thus, there is no rule for which Telenor should have sought a waiver.

MSV's own circumstances are different, as a factual matter. MSV operates its spacecraft at 101° W.L, where at least four other spacecraft operated by DIRECTV and SES Americom are located, and where a fifth satellite (DIRECTV 9-S) is due to be launched.⁷ That location is the most congested U.S. orbital location. Thus, the potential for MSV's station keeping box to overlap with that of the DIRECTV and SES Americom spacecraft – and the corresponding risk of collision – appear to be the reason that MSV is currently required to operate with a $\pm 0.05^\circ$ station keeping tolerance.⁸ These are the very types of circumstances in which the *Orbital Debris NRPM* contemplated using the $\pm 0.05^\circ$ station keeping tolerance specified in 25.210(j) as a basic “rule of the road” for purposes avoiding collisions with co-located spacecraft.⁹ Moreover, the Commission clearly retains authority to address, on a case-by-case basis, the collision risks associated with circumstances, such as in MSV's case, involving multiple satellites co-located at a single GSO location.¹⁰

⁶ *Mitigation of Orbital Debris*, 19 FCC Rcd 11567, 11587 ¶ 44 (2004) (“We decline, at this time, to adopt changes to Section 25.210(j) to specify a longitudinal tolerance of $\pm 0.05^\circ$ for all space stations, including MSS and remote sensing space stations.”).

⁷ Comments of DIRECTV, Inc., File No. SAT-AMD-20040928-00192, at 2 (Nov. 8, 2004) (“DIRECTV Comments”).

⁸ *See MSV*, 20 FCC Rcd 9752, 9761 ¶ 21 (May 23, 2005) (noting that operators of several non-co-frequency satellites that could be impacted by the extended station-keeping box raised concerns about MSV's proposed station-keeping box); DIRECTV Comments at 3 (discussing concerns regarding potential collisions at 101° W.L. due to congestion at that location).

⁹ *Mitigation of Orbital Debris*, Notice of Proposed Rulemaking, 17 FCC Rcd 5586, 5606 ¶ 47 (2002).

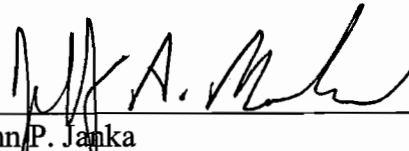
¹⁰ *See Mitigation of Orbital Debris*, 19 FCC Rcd at 11588 ¶ 51 (recognizing that co-locating multiple geostationary at the same orbital location could cause concerns related to potential collision); *id.* at 11587 ¶ 47 (recognizing, in the NGSO context, its discretion to impose station keeping parameters on a case-by-case basis).

In contrast to MSV's situation, and as Telenor described in the Technical Description to its application, there are no satellites now authorized or operating at 142° W.L. other than I-3, no satellites are expected to be within the station-keeping volumes of I-3 at 142° W.L., and no satellite operator in the vicinity of that orbital location has raised any concerns whatsoever. Thus, whatever risks of collision at 101° W.L. that may have led to the conditions in MSV's MSS license, simply are not presented here. It is neither necessary nor appropriate for Telenor to seek a "waiver" of the FSS station-keeping requirements in order to communicate with I-3 at 142° W.L.

* * *

For the foregoing reasons, the Commission should grant Telenor's application without any conditions, other than requiring that, in the absence of a new spectrum sharing agreement, service be provided on a non-harmful interference basis.

Respectfully submitted,



John P. Janka
Jeffrey A. Marks
LATHAM & WATKINS LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, D.C. 20004
Telephone: (202) 637-2200

Diane J. Cornell
Vice President, Government Affairs
INMARSAT, INC.
1100 Wilson Blvd, Suite 1425
Arlington, VA 22209
Telephone: (703) 647 4767

September 21, 2006

CERTIFICATE OF SERVICE

I, Jeffrey A. Marks, hereby certify that on this 21st day of September, 2006, I caused to be served a true copy of the foregoing "Opposition of Inmarsat Ventures Limited," by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

James Ball*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Stephen Duall*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

JoAnn Ekblad*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Richard Engelman*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Gardner Foster*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Fern Jarmulnek*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Andrea Kelly*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Karl Kensinger*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Scott Kotler*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

John Martin*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Robert Nelson*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Roderick Porter*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

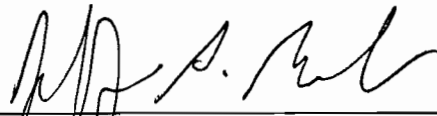
Bruce D. Jacobs
David S. Konczal
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037-1128

Keith H. Fagan
Telenor Satellite, Inc.
1001 Wootton Parkway
Rockville, MD 20852

**Via Electronic Mail*

Cassandra Thomas*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Jennifer A. Manner
Vice President, Regulatory Affairs
Mobile Satellite Ventures Subsidiary LLC
1002 Park Ridge Boulevard
Reston, Virginia 20191



Jeffrey A. Marks