

Inmarsat Hawaii Inc.
FCC Form 312
Exhibit B
Response to Question 34 – Petition for Declaratory Ruling

Inmarsat Hawaii Inc., a Hawaii corporation with its principal place of business in the United States (“Inmarsat Hawaii”), is wholly owned by Inmarsat U.S. Holdings, Inc., a Delaware corporation with its principal place of business in the United States. Inmarsat U.S. Holdings, Inc. is wholly owned by Inmarsat Services Ltd. Inmarsat Services Ltd. is wholly owned by Inmarsat Ventures Ltd. Inmarsat Ventures Ltd. is wholly owned by Inmarsat Investments Ltd. Inmarsat Investments Ltd. is wholly owned by Inmarsat Group Ltd. Inmarsat Group Ltd. is wholly owned by Inmarsat plc. Information about the ownership and management of Inmarsat plc is on file with the Commission, and Inmarsat Hawaii incorporates that information by reference.¹ With the exception of Inmarsat Hawaii and Inmarsat U.S. Holdings, Inc., each of the Inmarsat entities described above is formed under the laws of England and Wales and has its principal place of business in the United Kingdom.

The officers and directors of Inmarsat Hawaii are as follows:

Name	Position(s)	Citizenship
Diane Cornell	Director	United States
Leo Mondale	Director and President	United States
Alison Horrocks	Secretary/Treasurer	United Kingdom

In the instant application, Inmarsat Hawaii seeks to modify its existing blanket authority to operate mobile earth terminals on a common carrier basis (Call Sign E090032) to add a new terminal type. Inmarsat’s modified operations will remain subject to Section 310(b)(4) of the Communications Act, as amended. Inmarsat Hawaii respectfully requests a declaratory ruling that it would serve the public interest to allow up to 100 percent indirect non-U.S. ownership of Inmarsat Hawaii for purposes of this blanket license.

In its *Foreign Participation Order*,² the Commission determined that it would promote competition in the United States and serve the public interest to allow indirect foreign investment beyond the 25 percent benchmark established by Section 310(b)(4). Since adopting the *Foreign Participation Order*, the Commission consistently has permitted non-U.S. individuals and entities to hold up to 100 percent of the equity and voting power in holders of FCC authorizations.³

Each of the Inmarsat entities named above has its principal place of business in the United States or the United Kingdom, a WTO member. Moreover, Inmarsat plc is over 75 percent owned (measured either by equity or voting interests) by citizens of, or entities with principal places of business in, the United States or another WTO-member country. As a result, the presumption that foreign ownership in excess of the Section 310(b)(4) benchmark

¹ See ISP-PDR-20090818-00006; ULS File No. 0004040346.

² *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, 12 FCC Rcd 23891 (1997) (“*Foreign Participation Order*”).

³ See, e.g., *Intelsat, Ltd., Transferor, and Zeus Holdings Ltd., Transferee*, 19 FCC Rcd 24820 (2004); *Applications of Comsat General Corporation*, 19 FCC Rcd 21216 (2004); *Voicestream Wireless Corporation*, 16 FCC Rcd 9779 (2001).

serves the public interest applies here. Thus, grant of the instant application would be fully consistent with Commission precedent and should be found to be in the public interest.

Notably, Inmarsat Hawaii's application for its existing blanket authority to operate mobile earth terminals on a common carrier basis contained a similar request for declaratory ruling involving Inmarsat Hawaii and its parent companies. That application has been granted by the Commission.

Moreover, in approving the transfer of control of Stratos Global Corporation to Inmarsat plc, the Bureau issued a declaratory ruling, pursuant to section 310(b)(4) of the Communications Act, as amended, to allow up to 100 percent foreign ownership of Stratos Global Corporation and other subsidiaries of Inmarsat plc. While the instant application involves Inmarsat subsidiaries that were not evaluated in connection with the Stratos Global transaction, these subsidiaries are wholly owned by Inmarsat plc, and thus have foreign ownership similar to that already approved by the Commission in the Stratos Global transaction.

Currently pending before the Commission is an application for the *pro forma* assignment of the license for Call Sign E090032 from Inmarsat Hawaii to ISAT US Inc., a Delaware corporation and wholly-owned subsidiary of Inmarsat U.S. Holdings, Inc.⁴ If that assignment application is granted while the instant application remains pending, the parties will amend the instant application as appropriate. Inmarsat Hawaii notes, though, that any declaratory ruling granted with respect Inmarsat Hawaii prior to the proposed assignment would extend to ISAT US Inc. after that assignment is consummated.⁵

⁴ See IBFS File No. SES-ASG-20100107-00015.

⁵ See *Foreign Ownership Guidelines for FCC Common Carriers and Aeronautical Radio Licenses*, DA 04-3610, at 28 (2004).