

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| ISAT US, Inc. |) | File No. SES-MOD-20161130-00917 |
| |) | Call Sign: E140029 |
| Application to Modify Maritime Earth Station |) | |
| License |) | |

OPPOSITION

ISAT US, Inc. (“Inmarsat”) hereby submits this Opposition (the “Opposition”) to the Petition to Deny of Iridium Constellation LLC (“Iridium”).¹ Inmarsat’s above-referenced earth station modification application seeks to permit U.S.-flagged ships to benefit from the same enhanced communications capabilities in the South Atlantic Ocean already enjoyed by non-U.S.-flagged ships.² The remote area of operation sought by the Modification—centered off the coast of South Africa in the Atlantic Ocean—is more than 11,000 km away from the closest U.S.-licensed co-frequency Iridium earth station. Not surprisingly, therefore, the Petition does not claim that Inmarsat’s existing service or proposed future operations with U.S. vessels would cause harmful interference. Rather, Iridium raises procedural concerns that Inmarsat’s proposed use is “inconsistent” with the Commission’s Ka-band plan and “not coordinated.”³ As explained below, the Commission should dismiss the Petition as a transparent attempt to use the regulatory process as a substitute for competing in the marketplace with Inmarsat’s maritime communications offerings and expeditiously grant the Modification.

¹ Petition to Deny of Iridium Constellation LLC, SES-MOD-20161130-00917 (Mar. 3, 2017) (the “Petition”).

² See ISAT US, Modification Request, SES-MOD-20161130-00917 (filed Nov. 30, 2016) (the “Modification”).

³ Petition, at 2.

I. INMARSAT’S OPERATIONS HAVE NOT AND WILL NOT INTERFERE WITH DISTANT IRIDIUM EARTH STATIONS

The Petition does not—and in fact could not—assert that Inmarsat’s proposed operations with U.S. flagged vessels off the coast of South Africa would cause harmful interference into the Iridium system. As shown in the table below, the large geographic distance between U.S.-licensed Iridium gateways which can see the Inmarsat satellite at 55°W and Inmarsat’s proposed area of operation, obviates any interference concern:⁴

| Iridium Gateway Location | Approximate Distance to Proposed Operation (-33°N, -5.4°E) |
|---------------------------------|---|
| Tempe, AZ | 8,329 mi (13,404 km) |
| Chandler, AZ | 8,326 mi (13,400 km) |
| Tobyhanna, PA* | 6,878 mi (11,069 km) |

* licensed to General Dynamics

Indeed, the satellite beam that is the subject of this modification application was placed into operation in November 2016 and has provided service to earth stations on non-U.S.-flagged ships without any claims of interference from Iridium (or any other party).

Importantly, Inmarsat’s operations will be on a non-interference basis. The Modification seeks to add certain frequency bands to the underlying blanket U.S. earth station license without changing its terms, including the non-harmful interference condition. Both before and after this modification, Inmarsat’s operations “must not cause harmful interference to” any other lawfully operating station, “must not claim protection from interference caused by any other lawfully operating station,” and must cease transmission(s) “immediately upon notice of any interference

⁴ Calculations shown used the National Hurricane Center Latitude/Longitude Distance Calculator on National Oceanic and Atmospheric Administration website, *available at* <http://www.nhc.noaa.gov/gccalc.shtml>.

caused.”⁵ Therefore, in the extremely remote scenario that Inmarsat’s proposed operation caused interference to Iridium’s earth stations, Inmarsat would cease or modify its operations upon notification of such interference.

II. GOOD CAUSE EXISTS TO WAIVE THE COMMISSION’S Ka-BAND PLAN, TO THE EXTENT PROCEDURALLY NECESSARY

The Modification clearly requests a waiver, as necessary, of the U.S. Table of Frequency Allocations, 47 C.F.R. § 2.106, to allow the proposed operations of U.S. flagged maritime terminals.⁶ Iridium nevertheless protests that the Modification did not also seek waiver of the Commission’s Ka-band plan.⁷ Although it is not clear that any further rule waivers are necessary, Inmarsat respectfully requests the Commission grant any additional waivers it deems necessary to effect the Modification request.

Granting the requested waiver(s) is warranted here. The Commission may waive any provision of its rules for good cause shown and where a grant “would better serve the public interest than strict adherence to the general rule.”⁸ *First*, as explained in the Modification and the underlying application, the requested waiver of the U.S. Table of Frequency Allocations would facilitate the ability of users on board U.S.-flagged maritime vessels to access new and innovative high-data-rate communications services, including broadband Internet access and multimedia, voice, and other data applications in an underserved area. These American ships would benefit from enhanced safety features, such as access to real-time weather and updated

⁵ See License Grant, SES-AFS-20160301-00178, Call Sign E140029 (May 2, 2016).

⁶ Petition, at 2.

⁷ The Commission’s Ka-band plan is not codified in its rules; as Iridium notes, it is attached as Appendix B to the Commission’s Notice of Proposed Rulemaking, Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed Satellite Service Systems and Related Matters, FCC 16-170, IB Docket No. 16-408 (Dec. 15, 2016). See *Petition*, at 3, n.3. Whether the US Ka-band plan applies to operations outside the U.S. or its territories – or to the specific operations the Modification proposes -- is not apparent.

⁸ 47 C.F.R. § 1.3.; *Connect America Fund*, 31 FCC Rcd 10091, ¶ 8 (2016).

navigation charts, and efficient, reliable voice and Internet-browsing services. Most importantly, grant of the Modification would enable U.S.-flagged ships access to these same benefits currently enjoyed by non-U.S. flagged ships.

Second, granting the requested waiver results in no countervailing harm. Inmarsat has provided sufficient information to demonstrate that the proposed operations would not cause harmful interference into the services allocated in Section 2.106.⁹ As described above, Inmarsat has been transmitting to non-U.S.-flagged ships consistent with the parameters of the proposed Modification since November 2016 with no complaint from Iridium of harmful interference. Inmarsat has not requested to elevate the underlying license’s current “non-harmful interference” status vis-à-vis other services allocated in the band.

Finally, denying the Modification application—as Iridium requests—would disadvantage U.S.-flagged ships by denying them access to the safety and connectivity benefits of Inmarsat’s most advanced satellite broadband technologies, which are being enjoyed by their foreign ships. The Commission should not permit Iridium to harm U.S. ships simply to protect itself from having to compete with Inmarsat’s services.

III. THE INMARSAT/IRIDIUM COORDINATION AGREEMENTS DO NOT PROHIBIT INMARSAT’S PROPOSED OPERATION

The Petition’s assertion that Inmarsat has not coordinated with Iridium is similarly meritless. Per current Inmarsat/Iridium coordination agreements, of which the Commission has copies, Inmarsat agreed not to operate in certain areas in order to protect Iridium operations in portions of the 29.1-29.3 GHz and 19.3-19.6 GHz bands. The proposed coverage area of the Modification does not include those areas, and therefore the agreements do not preclude Inmarsat’s proposed operation.

⁹ See 47 C.F.R. § 2.106.

IV. CONCLUSION

For the foregoing reasons, the Commission should reject Iridium's Petition and promptly grant Inmarsat's Modification so that U.S.-flagged ships have access to the same critical safety and connectivity services Inmarsat currently provides to non-US flagged ships in this remote area of the Atlantic Ocean, more than ten thousand kilometers from the nearest U.S.-licensed Iridium gateway.

Respectfully submitted,

ISAT US, INC.

By: /s/ Giselle Creeser

Giselle Creeser
Director, Regulatory
1101 Connecticut Ave. NW
Suite 1200
Washington, DC 20036

March 16, 2017

CERTIFICATE OF SERVICE

I, Giselle Creeser, hereby certify that on this 16th day of March 2017, I caused the foregoing "Opposition" to be served by first-class mail, postage prepaid, upon the following:

Maureen C. McLaughlin
Vice President Public Policy
1750 Tysons Boulevard
Suite 1400
McLean, VA 22102

/s/ Giselle Creeser

Giselle Creeser