Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of	)	
	)	
Stratos Communications, Inc.	)	File No. SES-STA-20060310-00419
	)	
Telenor Satellite Inc.	)	File No. SES-STA-20060313-00430
	)	
FTMSC US LLC	)	File No. SES-STA-20060314-00438
	)	
BT Americas Inc.	)	File No. SES-STA-20060315-00445
	)	
MVS USA Inc.	)	File No. SES-STA-20060316-00454

CONSOLIDATED JOINT OPPOSITION

Telenor Satellite Inc., FTMSC US LLC, BT Americas Inc., MVS USA, Inc. and Stratos Communications, Inc. (collectively, the "Applicants"), together with Inmarsat Ventures Limited ("Inmarsat"), oppose Mobile Satellite Ventures LLC's ("MSV's") Petition to Deny these applications for special temporary authority ("STA"). The five Applicants are Inmarsat distribution partners who seek STA to provide Inmarsat's Broadband Global Area Network ("BGAN") service using the Inmarsat-4 ("I-4") satellite at 53º W.L.,[1] pending grant of their underlying "regular" applications for authority to provide BGAN service. Each of those underlying applications is virtually identical, and the earliest was filed over seven months ago, in August 2005. For the reasons provided below and in the STA requests, the Commission should grant STA by April 14, 2006 in order to allow the commencement of BGAN service to the United States on April 17, 2006.

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[1] For simplicity, this response refers to the nominal location of the spacecraft, rather than the precise 52.75º W.L. location where it is being operated.

BGAN is a broadband and voice service that will be available within the continental United States to all mobile users, wherever they may be located, or wherever they may travel. BGAN supports broadband data rates of almost half a megabit per second to mobile terminals that are small (notebook-sized), lightweight and highly portable, and can be placed into operation more quickly than any other satellite terminal with comparable capabilities. BGAN therefore provides a host of communications capabilities that cannot be provided by any of the other MSS spacecraft that now serve the United States, or that will serve the United States for a number of years. The I-4 spacecraft that is the subject of these STA requests was launched in November 2005, and is the second BGAN spacecraft to be successfully launched. Another I-4 spacecraft, also launched last year, currently provides BGAN service to Asia, Africa, Europe and the Middle East.

I-4 is in orbit, fully operating, and ready to commence BGAN service. The Applicants stand ready to provide BGAN service to the United States promptly upon receipt of Commission authorization to do so. The only objection to the grant of STA is from MSV, a direct competitor of Inmarsat who plainly benefits from delaying the introduction of a new service that MSV is not itself in a position to offer. MSV admittedly seeks only to *delay* (but not foreclose) the provision of BGAN in the United States in a transparent attempt to gain leverage in the international L-Band spectrum coordination process. MSV asks that the Commission withhold BGAN service from the American public until MSV is able to effectuate a new L-Band spectrum realignment that MSV believes will unlock the "key" to MSV's next-generation hybrid ATC/MSS broadband network.[2]

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[2] *See, e.g.*, MSV Petition, Exhibit A at 2-3.

MSV's future business plans should not be a reason to withhold BGAN service from the United States, or to prevent first responders and commercial users from obtaining the unique benefits that BGAN has to offer the American public. And they should not become a barrier to the grant of STA.[3]

As the Applicants previously demonstrated, there is no valid technical reason to withhold BGAN service. In the absence of a new L-Band spectrum sharing agreement (which Inmarsat and MSV have both indicated they seek to achieve), Inmarsat has explained that BGAN service will be provided within the same technical envelope that Inmarsat previously coordinated with MSV, and within which Inmarsat has coexisted with MSV for over a decade. MSV has not provided any technical evidence that BGAN service provided in this manner will disrupt MSV's operations.

It has been over seven months since the "lead" BGAN application was filed. Section 309(f) of the Communications Act provides authority to issue temporary authorizations where doing so is in the public interest and where further delay in commencing operations would prejudice the public interest. Moreover, the Commission has long recognized that grant of STA is appropriate in cases, such as this, where the underlying earth station applications have remained pending for a long period of time. In fact, when the Commission adopted the STA rule in Section 25.120 to which MSV refers,[4] the Commission expressly recognized that staff would

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[3] The issues in the pleadings MSV attaches to its Petition have been fully briefed on multiple occasions, and need not be repeated here. The Applicants and Inmarsat incorporate by reference their oppositions to MSV's various filings on the underlying BGAN applications. *See, e.g.* Oppositions of the Applicants and Inmarsat to MSV's Petitions to Hold in Abeyance in File Nos. SES-LFS-20050826-01175 *et al.* (Stratos), SES-LFS-20050930-01352 *et al.* (Telenor), SES-LFS-20051011-01396 (FTMSC), and SES-LFS-20051123-01634 (MVS).

[4] MSV Petition at 3.

typically consider STA requests, based on the need to commence service, when an application cannot be routinely granted within sixty days.[5]

In addition to the considerable delay with respect to the underlying applications, there are significant public safety considerations that weigh in favor of granting STA. It is now just six weeks from the "official" start of hurricane season in the Atlantic Ocean region.[6] In order to ensure that BGAN terminals can be deployed to local, state and federal first responders, as well as to non-governmental relief organizations, and that those users can be fully trained on the use and capabilities of BGAN, it is imperative that BGAN service promptly be authorized, before the next natural or other disaster strikes.[7] Authorizing BGAN *now*, through the grant of STA, will ensure that users of all types have *immediate* access to the most up-to-date communications tools when they need access the most.[8] Furthermore, BGAN is expected to serve the daily needs of national security providers to, among other things, ensure the security of

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5 *Amendment of Part 25 of the Commission's Rules and Regulations to Reduce Alien Carrier Interference between Fixed-Satellites at Reduced Orbital Spacings and to Revise Application Processing Procedures for Satellite Communications Services*, 6 FCC Rcd 2806, 2810 ¶ 27 (1991). The provision in 25.120(b)(1), which codified Commission policy not to grant STAs based *solely* on "marketing considerations or meeting scheduled customer in-service dates," is inapplicable when STA is warranted for other reasons, such as extended delay in processing the underlying applications. *See id.* Thus, no waiver of 25.120 is required, as MSV asserts. MSV Petition at 3.

6 Hurricane season in the Atlantic Ocean region spans the six-month period from June 1 through November 30. *See* Martin Merzer, *La Nina Is Back. More Hurricanes Ahead?*, THE MIAMI HERALD, Feb. 3, 2006.

7 Experimental authorization is not, as MSV asserts, adequate for these purposes. Among other things, the limited number of authorized terminals and constraints on actually providing commercial service under the experimental authorization would prevent first responders from purchasing, testing and using the BGAN service in sufficient numbers to prepare for the next hurricane or other disaster, and from being able to actually use those terminals when a crisis occurs.

8 *See* Written Statement of Chairman Kevin J. Martin, Hearing on Communications in a Disaster, Committee on Commerce, Science and Transportation, United States Senate (Sept. 22, 2005), at 7.

U.S. borders, ports, and other critical aspects of the United States infrastructure. Various government users already have expressed significant interest in the availability of BGAN service in the United States, and this interest is expected to continue to grow at the state, local and federal levels.

Contrary to what MSV implies, Inmarsat has repeatedly attempted to coordinate its North American fleet operations with MSV, but MSV has rebuffed those efforts, citing "other" business issues that MSV wishes to address prior to continuing such a dialogue.[9] Fortunately, Commission policy and precedent already account for these types of situations: the Commission has repeatedly ruled that achieving successful coordination between MSS competitors is *not* a prerequisite to authorizing the provision of a new service (or a new spacecraft) in any MSS band, including the L-Band.[10]

As a final matter, the issuance of STA will allow the commencement of valuable BGAN services without prejudicing the outcome of the underlying BGAN applications. The Commission regularly issues STA during the pendency of an underlying application, and there is no reason to speculate, as MSV does, that grant of STA will prejudge any action that the Commission may take with respect to the underlying applications.

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9 *See* Inmarsat Consolidated Response, File No. SES-STA-20051216-01756 *et al.*, at 9-11 (Jan. 6, 2006).

10 *See, e.g., AMSC Subsidiary Corporation*, 8 FCC Rcd 4040, 4043 ¶ 17 (1993) (L-Band); *MSV LLC*, DA 05-1492 (rel. May 23, 2005) (L-Band); *MSV LLC*, DA 05-50 (rel. Jan. 10, 2005) (L-Band); *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) (Big LEOs); *Establishment of Policies and Service Rules for MSS in the 2 GHz Band*, 15 FCC Rcd 16127, 16192 ¶ 148 (2000) (2 GHz).

For the foregoing reasons, the Commission should grant the STAs by April 14, 2006, subject only to the condition that BGAN service be provided on a non-harmful interference basis pending action on the underlying applications.

Respectfully submitted,

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April 6, 2006

CERTIFICATE OF SERVICE

I, Jeffrey A. Marks, hereby certify that on this 6th day of April, 2006, I caused to be served a true copy of the foregoing "Consolidated Joint Response" upon the following:

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