Approved by OMB
3060–0678

APPLICATION FOR EARTH STATION SPECIAL TEMPORARY AUTHORITY

APPLICANT INFORMATIONEnter a description of this application to identify it on the main menu:
BGAN STA application

1. Applicant

Name:	MVS USA, Inc.	**Phone Number:**	201–447–1505
DBA Name:		**Fax Number:**	201–612–0093
Street:	175 Rock Road	**E–Mail:**	
City:	Glen Rock	**State:**	NJ
Country:	USA	**Zipcode:**	07452 –
Attention:	Deborah Deffaa		

GRANTED
International Bureau

File # SES-STA-20060316-00454
with attached conditions

Call Sign E050348 Grant Date 5/12/2006
(or other identifier)

Term Dates
From 5/12/2006 To: 7/11/2006

Approved: Robert G. Nelson Chief Satellite Division

MVS USA, Inc.
IBFS File No. SES-STA-20060316-00454

The request of MVS USA, Inc. (MVS USA) for special temporary authority (STA) IS GRANTED. Accordingly, MVS USA is authorized for a period of 60 days, ending July 11, 2006, to operate up to 5,000 Broadband Global Area Network (BGAN) mobile earth terminals (METs) using the Inmarsat 4F2, in accordance with the terms, conditions, and technical specifications set forth in the Commission's rules and this document.

1. Neither the aggregate uplink EIRP densities in the direction of any other L-band satellite serving the United States, nor the downlink EIRP densities at any geographical point within the United States, shall be increased, above the levels previously authorized in connection with operations using the Inmarsat 3F4 satellite, as a result of the operations authorized by this STA.

2. Operations on the Inmarsat 4F2 satellite shall be on an unprotected basis. MVS USA shall not claim protection from, and is required to accept interference from, other lawfully operating satellites or radiocommunication systems.

3. Operations are permitted on those frequencies previously used for authorized U.S. MET operations on the Inmarsat 3F4 satellite, except that operations are not permitted on certain frequencies, made available to Inmarsat by MSV USA and MSV Canada as part of the operator-to-operator coordination process, the use of which is currently an issue pending in connection with MVS USA's request for regular authority.

4. Adequate guard bands shall be provided between the band edges of the carriers used by MVS USA and the band edges of MSV's operations in order to preclude the possibility of unacceptable interference to MSV's operations.

5. Any action taken or expense incurred as a result of operations pursuant to this special temporary authority is solely at MVS USA's own risk.

6. The grant of this STA is not based on a finding that Inmarsat's L-band operations are consistent with operation on a non-interference basis.

7. The grant of this STA is without prejudice to any future determination that the Commission may make as to whether Inmarsat's L-band operations are consistent with operation on a non-interference basis.

8. This STA may be terminated or modified at the International Bureau's discretion, without a hearing, if conditions warrant.

9. MVS USA must notify each customer, in writing and prior to initiation of service, that BGAN operations on the Inmarsat 4F2 satellite are pursuant to a grant of special temporary authority that may be terminated or modified at any time.

10. Authority granted in this STA is without prejudice to the disposition of any related applications for regular authority.

11. MVS USA shall not provide facilities-based or resale common carrier service that meets the definition, or is the functional equivalent, of a commercial mobile radio service, without receiving authorization under Section 214 of the Communications Act. For purposes of this condition, the definition of a commercial mobile radio service is set forth in Section 332(d) of the Communications Act and Section 20.3 of the Commission's rules.

12. This grant is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective immediately.

13. MVS USA is afforded thirty days from the date of release of this action to decline this special temporary authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the special temporary authorization as conditioned.

2. Contact

Name:	Wilkinson Barker Knauer, LLP	**Phone Number:**	202-783-4141
Company:	Wilkinson Barker Knauer, LLP	**Fax Number:**	202-783-5851
Street:	2300 N Street, NW Suite 700	E-Mail:	lmovshin@wbklaw.com
City:	Washington	**State:**	DC
Country:	USA	**Zipcode:**	20037 -
Attention:	Larry Movshin	**Relationship:**	Legal Counsel

(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)
3. Reference File Number SESLFS2005112301634 or Submission ID

4a. Is a fee submitted with this application?
(●) If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R.Section 1.1114).
( ) Governmental Entity ( ) Noncommercial educational licensee
( ) Other(please explain):

4b. Fee Classification CGB - Mobile Satellite Earth Stations

5. Type Request

(●) Use Prior to Grant ( ) Change Station Location ( ) Other

6. Requested Use Prior Date 04/17/2006	
7. City	8. Latitude (dd mm ss.s h) 0 0 0.0

9. State	10. Longitude (dd mm ss.s h) 0 0 0.0

11. Please supply any need attachments.

Attachment 1: Description of STA Attachment 2: Attachment 3:

12. Description. (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

Request for Special Temporary Authority (STA) to operate up to 5,000 BGAN Mobile Earth Terminals with Inmarsat's fourth-generation satellite (Inmarsat 4F2).

13. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.

◉ Yes ○ No

14. Name of Person Signing	15. Title of Person Signing
Deborah Deffaa	President

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104–13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

DESCRIPTION OF STA REQUEST

Pursuant to Section 25.120 of the Commission's rules, 47 C.F.R. §25.120, MVS USA, Inc. ("MVS") seeks special temporary authority ("STA") for 60 days to allow MVS to provide Inmarsat's Broadband Global Area Network ("BGAN") service using up to 5,000 mobile earth terminals ("METs") operating in the L-band in conjunction with the Inmarsat 4F2 satellite located at the 52.75° W.L. orbital location. Temporary authority to provide the BGAN service using these METs and this satellite will well serve the public interest by allowing MVS to offer Inmarsat's advanced mobile satellite BGAN service in the United States while the International Bureau ("Bureau") considers the underlying application previously filed by MVS.

I. BACKGROUND

On November 23, 2005, MVS filed an application ("MVS BGAN Application") for a blanket license to operate 40,000 METs with Inmarsat's BGAN service.[1] MVS hereby incorporates by reference that application and its technical details and material for purposes of this STA request.[2] On January 13, 2006, Mobile Satellite Ventures LLC ("MSV") filed a Petition to Hold in Abeyance[3] to which MVS has responded.[4] In the

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[1] *See* SES-LFS-20051123-01634. MVS is not operating as a common carrier, and is therefore not required to apply for 214 Authorization. If MVS seeks to operate as a common carrier, MVS will apply for the requisite authorization.

[2] MVS also incorporates by reference all ownership information and certifications provided in the original MVS BGAN Application.

[3] MSV Petition to Hold in Abeyance (January 13, 2006).

MVS BGAN Application, MVS proposes to offer Inmarsat BGAN services to U.S. consumers through four different BGAN METs: NERA PUT manufactured by NERA, AddValue PUT manufactured by AddValue, T&T Lite manufactured by Thrane and Thrane, and HNS Briefcase manufactured by Hughes Network Systems. Each offers a different combination of size and data transmission capability, and all comply with the Commission's Rules for operation in the L-band.[5] MVS plans to operate its METs with Inmarsat's fourth generation satellite, the Inmarsat 4F2, which is located at 52.75° W.L.

MVS expects to be able to provide the BGAN service over the Inmarsat 4F2 by April 17, 2006. In the event that the Bureau is unable to complete its review of the underlying BGAN application by April 17, 2006, MVS respectfully requests an STA to provide the BGAN service in the United States once Inmarsat commences commercial availability pending Commission action on MVS's BGAN application.

For the same reasons detailed in the MVS BGAN Application, grant of this STA is consistent with the ORBIT Act[6] and satisfies the Commission's *DISCO II* standard.[7] Moreover, as explained in the application and in response to MSV's petition, MVS will be able to commence operations without a risk of harmful interference to MSV or any of the other MSS systems operating in this band.

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[4] Opposition of MVS USA, Inc. To MSV Petition To Hold BGAN Application in Abeyance (January 26, 2006).

[5] File Nos. SES-LFS-20051123-01634, Attachment 4.

[6] 47 U.S.C. §61 *et seq.*

[7] *See Amendment of the Commission's Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Service in the United States*, 12 FCC Red 24094 (1997) ("*DISCO II*").

II. PUBLIC INTEREST

Grant of this STA request is in the public interest because it will allow U.S. consumers, including the U.S. military and public safety community in particular, to access faster, more flexible, and more robust satellite broadband services. These satellite broadband services will likely prove invaluable when the next natural disaster or terrorist attack occurs. The MVS BGAN service will offer U.S. consumers with Internet Protocol Packet-switched data and circuit-switched applications at speeds up to 492 Kbps. BGAN will provide U.S. customers broadband access to email, local area networks, the Internet, intranet/extranets, video conferencing services, video-on-demand, and voice communications from almost anywhere in the world.[8] BGAN operates at eight times the speed of the fastest mobile services available in the U.S. (Inmarsat GAN), and 100 times faster than MSV's present services. BGAN service is currently available in Europe, Africa, Asia and the Middle East.[9] Prompt Commission grant of this request would allow U.S. subscribers to enjoy the same advanced mobile satellite services as the rest of the world, instead of operating at a fraction of the speed.

BGAN is needed as soon as possible by the U.S. military and the public safety community, which is seeking improved data speeds in the event of a large-scale natural disaster or terrorist attack. The recent natural disasters associated with hurricanes Katrina, Rita and Wilma in the Gulf of Mexico region reinforce the urgent need for the BGAN offering. In the aftermath of these hurricanes, the previous-generation of Inmarsat services were used by FEMA, the National Guard, the U.S. Army, state and

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[8] File Nos. SES-LFS-20051123-01634, Attachment 4 at 2.

[9] Inmarsat Announces Launch of BGAN Service, Inmarsat website, *available at*

local governments, law enforcement personnel and the petroleum industry to facilitate voice communications and Internet access in the absence of terrestrial networks.[10] While the existing Inmarsat services played a vital role in the recovery efforts, the data transmission speeds of these existing services relied on in the Gulf, and throughout the United States, do not match the high speed terrestrial networks people have come to expect. Prompt grant of this STA will ensure that the higher data speeds offered by BGAN will be available when the next natural disaster or terrorist attack takes place. Indeed, hurricane season begins again this year on June 1, 2006.[11] Accordingly, grant of this STA by April 17, 2006 will allow government "First Responders" and private industry users time to obtain and deploy BGAN terminals, familiarize themselves with those terminals, as well as the BGAN services and features, so that BGAN can have an immediate impact on any advance preparations or recovery effort that becomes necessary. Such extraordinary circumstances justify grant of this requested STA.

BGAN service is already available in Europe, Africa, Asia and the Middle East. Without the requested STA, U.S. consumers will have to sit idly by while companies and individuals around the world take advantage of this improved satellite broadband service. The Commission elsewhere has recognized the manifold benefits of advanced services,[12]

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http://about.inmarsat.com/news/00018831.aspx?language=EN&textonly=False.

[10] For a description of the emergency services provided over the Inmarsat system, *see, e.g.,* Declaration of Robert J. Roe (VP of Sales for Stratos Communications, Inc.) at ¶¶ 10-11 (in File No. SES-STA-20051216-01769) (Dec. 16, 2005).

[11] *See http://www.noaanews.noaa.gov/stories2005/s2540.htm.*

[12] As the Commission itself acknowledged in the *Fourth Broadband Report to Congress* on the availability of advanced telecommunications services: "The deployment of infrastructure capable of delivering broadband services is critical to the U.S. economy. Broadband has played and will continue to play a vital role in the 21st Century. Many U.S. companies depend on broadband connections to run various facets of their businesses .... In addition to tangible benefits to the

and indeed, in Section 706 of the Communications Act Congress has directed the Commission to facilitate the deployment of such services. While it is impossible to predict the harm that may be caused to U.S. customers as a result of this disparity in the availability of BGAN services, the benefit of equality of service is clear. U.S. customers will be able to subscribe to MVS's BGAN service in the United States and use it around the world. Similarly, individuals that already use BGAN in other parts of the world will be able to operate their equipment in the United States.

As explained in detail in MVS's underlying application and reply to MSV, the Inmarsat 4F2 satellite located at 52.75° W.L., which will be used to provide the BGAN service, can be operated in a manner that will cause no greater potential for interference than Inmarsat's former satellite located at 54° W.L., Inmarsat 3. In many ways, Inmarsat 4F2 is more "interference friendly" than Inmarsat 3 because Inmarsat 4F2 has narrower spot beams with steeper antenna side lobes to reduce interference into adjacent areas, and it has higher gain spot beams to allow the use of terminals that radiate less than one-tenth the power of the Inmarsat data terminals currently used in the United States. In sum, BGAN service will be provided on Inmarsat 4F2 in a manner that will not adversely affect the current interference environment.

MVS understands that grant of this requested STA to operate a limited number of terminals will be without prejudice to and will be conditioned on, the Bureau's action on the underlying application (File Nos. SES-LFS-20051123-01634) for a blanket license to operate its 40,000 METs with Inmarsat's BGAN service. For the reasons set forth above,

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economy, broadband has a significant impact on the lives of everyday citizens." *Fourth Report to Congress,* "Availability of Advanced Telecommunications Capability in the United States," GN Docket No. 04-54, FCC 04-208, at p. 47 (Sept. 9, 2004).

MVS respectfully requests that this STA to operate up to 5,000 units be granted no later than April 17, 2006 for a period of 60 days.