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April 7, 2006

Via Hand Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Comments of Mobile Satellites Ventures Subsidiary LLC on
Application of Telenor Satellite, Inc. for Special Temporary Authority
File No. SES-STA-20060405-00570 (Call Sign E980136)**

Dear Ms. Dortch:

Mobile Satellites Ventures Subsidiary LLC (“MSV”) hereby files this redacted, public version of Comments on the above-referenced application of Telenor Satellite, Inc. (“Telenor”) for Special Temporary Authority to operate a fixed earth station with the Inmarsat 3F4 satellite which has recently been relocated to 142°W.¹ As discussed herein, certain information provided in the attached Petition should be treated as confidential.²

**47 C.F.R. § 0.459(b)(1) -- Identification of the specific information for which
confidential treatment is sought**

MSV requests confidential treatment of information relating to the *Mexico City Memorandum of Understanding* and the on-going international L band frequency coordination process which is confidential to the parties to that coordination, which includes the Commission and MSV.³ When considering other applications to use Inmarsat satellites in the United States,

¹ See Telenor Satellite, Inc., Application, File No. SES-STA-20060405-00570 (Call Sign E980136) (April 4, 2006) (“*Telenor STA Request*”).

² 47 C.F.R. § 0.459(b).

³ See *Memorandum of Understanding for the Intersystem Coordination of Certain Geostationary Mobile Satellite Systems Operating in the Bands 1525-1544/1545-1559 MHz and 1626.5-1646.5/1646.5-1660.5 MHz*, Mexico City, Mexico, 18 June 1996.

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the Commission has acknowledged the confidentiality of this information and has afforded it confidential treatment.⁴

47 C.F.R. § 0.459(b)(2) -- Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission

This information is being filed in MSV's Comments on the above-referenced Telenor application.

47 C.F.R. § 0.459(b)(3) -- Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged

As the Commission has acknowledged, the *Mexico City Memorandum of Understanding* and related coordination documents are confidential.⁵

47 C.F.R. § 0.459(b)(4) -- Explanation of the degree to which the information concerns a service that is subject to competition

The information contained herein concerns the market for wireless services, in which MSV faces competition from other MSS providers as well as from terrestrial wireless operators.

47 C.F.R. § 0.459(b)(5) -- Explanation of how disclosure of the information could result in substantial competitive harm

Disclosure of the information for which confidential treatment is sought would result in violation of the *Mexico City Memorandum of Understanding*.

47 C.F.R. § 0.459(b)(6) -- Identification of any measures taken by the submitting party to prevent unauthorized disclosure

Disclosure to third parties of the information for which confidential treatment is sought has been strictly pursuant to non-disclosure agreements.

⁴ See *COMSAT Corporation et. al., Memorandum Opinion, Order and Authorization*, 16 FCC Rcd 21661, ¶¶ 111 (2001) ("*COMSAT Order*") ("The Mexico City Agreement and related coordination documents, such as minutes of coordination meetings, are considered confidential.").

⁵ *Id.*

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- 47 C.F.R. § 0.459(b)(7) -- Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties**

The information for which confidential treatment is sought is not publicly available. Disclosure to third parties of the information for which confidential treatment is sought has been strictly pursuant to non-disclosure agreements.

- 47 C.F.R. § 0.459(b)(8) -- Justification of the period during which the submitting party asserts that material should not be available for public disclosure**

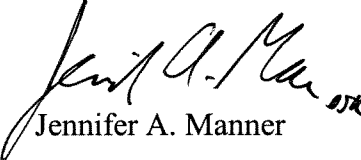
The information for which confidential treatment is sought should remain confidential indefinitely or until the parties to the *Mexico City Memorandum of Understanding* agree that it can be made publicly available.

- 47 C.F.R. § 0.459(b)(9) -- Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted**

N/A.

Please contact the undersigned with any questions.

Very truly yours,


Jennifer A. Manner

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)
)
Telenor Satellite, Inc.) File No. SES-STA-20060405-00570
Application for Special Temporary Authority to) (Call Sign E980136)
Operate Fixed Earth Station with)
Inmarsat 3F4 at 142°W)

COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby files these Comments on the above-referenced application filed by Telenor Satellite, Inc. (“Telenor”) for Special Temporary Authority (“STA”) to operate a fixed earth station with the Inmarsat 3F4 satellite which has recently been relocated to 142°W.¹ As requested by Telenor, the International Bureau (“Bureau”) should limit Telenor’s operations pursuant to this STA to transmitting and receiving in the C band only, and should specifically preclude Inmarsat from transmitting and Telenor from receiving in the MSS L band using the relocated Inmarsat 3F4 satellite. To the extent Inmarsat intends to transmit and Telenor intends to receive transmissions in the MSS L band using the Inmarsat 3F4 satellite at 142°W, the Bureau should not grant this application until after Inmarsat coordinates with MSV and MSV Canada the operation of its Inmarsat 3F4 satellite at 142°W, including the proposed use of the 1545.8-1548 MHz band. These L band frequencies are among those MSV and MSV Canada have coordinated for their use in North America, and

¹ See Telenor Satellite, Inc., Application, File No. SES-STA-20060405-00570 (Call Sign E980136) (April 4, 2006) (“*Telenor STA Request*”). As one of the L band Mobile Satellite Service (“MSS”) operators in North America which could be subjected to harmful interference from grant of this application, MSV is a “party in interest” with standing to file this Petition. See 47 U.S.C. § 309(d)(1). Moreover, MSV has standing as a competitor in the MSS market. See *FCC v. Sanders Brothers Radio Station*, 309 U.S. 475, 477 (1940).

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Inmarsat and Telenor have failed to even attempt to demonstrate that their proposed operations could share spectrum with those of MSV and MSV Canada.

Background

MSV. MSV is the entity authorized by the Commission in 1989 to construct, launch, and operate a United States Mobile Satellite Service (“MSS”) system in the L band.² MSV’s licensed satellite (AMSC-1 or MSAT-2) was launched in 1995, and MSV began offering service in 1996. MSV is also the successor to TMI Communications and Company, Limited Partnership (“TMI”) with respect to TMI’s provision of L band MSS in the United States. Today, MSV offers a full range of land, maritime, and aeronautical satellite services, including voice and data, using both its own U.S.-licensed satellite and the Canadian-licensed L band satellite (MSAT-1) licensed to Mobile Satellite Ventures (Canada) Inc. (“MSV Canada”). In January 2005, the Bureau licensed MSV to launch and operate an L band MSS satellite at 63.5°WL (called “MSV-SA”) to provide MSS in South America.³ In May 2005, the Bureau licensed MSV to launch and operate a replacement L band MSS satellite at 101°WL (called “MSV-1”).⁴

L band coordination process. Spectrum in the L band in North America is shared primarily among five operators: MSV, MSV Canada, Inmarsat, and Mexican and Russian

² *Order and Authorization*, 4 FCC Rcd 6041 (1989); *remanded by Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428 (D.C. Cir. 1991); *Final Decision on Remand*, 7 FCC Rcd 266 (1992); *aff’d, Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275 (D.C. Cir. 1993); *see also AMSC Subsidiary Corporation, Memorandum Opinion and Order*, 8 FCC Rcd 4040 (1993).

³ *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-50 (January 10, 2005) (“*MSV-SA Order*”).

⁴ *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (May 23, 2005) (“*MSV-1 Order*”).

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systems.⁵ The five Administrations that license these systems reached an agreement in 1996 for a framework for future coordination of the L band spectrum in North America, called the Mexico City Memorandum of Understanding (“*Mexico City MoU*”).⁶ Under the *Mexico City MoU*, the L band operators are each assigned certain specific frequencies to use on their specific satellites through multi-party operator agreements, called Spectrum Sharing Arrangements (“SSA”).

Since 1999, all the L band operators, only recently with the exception of Inmarsat, have been operating on a non-interference basis using spectrum assignments listed in the 1999 SSA for specific satellites, orbital locations, earth stations, services (carrier types and emission levels), satellite antenna beams and the associated main beam and sidelobe roll-off, and service areas. At the last L band operators meeting, held in 1999, Inmarsat committed to abide by the terms of the 1999 SSA.⁷ **REDACTED**

is consistent with its earlier commitment to respect the 1999 SSA, as is the statement it made in its April 2005 securities filing that “the amount of spectrum available to each operator is currently frozen at the levels agreed in 1999.”⁸

⁵ The L band spectrum in North America is also shared with Japan’s MTSAT satellite, but only in and near the Pacific Ocean.

⁶ See *Memorandum of Understanding for the Intersystem Coordination of Certain Geostationary Mobile Satellite Systems Operating in the Bands 1525-1544/1545-1559 MHz and 1626.5-1646.5/1646.5-1660.5 MHz*, Mexico City, Mexico, 18 June 1996 (“*Mexico City MoU*”).

⁷ **REDACTED**

Indeed, even more recently, the Commission was under the impression that “the parties continue to operate under the 1999 assignments pending further negotiations.” See *Flexibility for Delivery of Communications by MSS Providers, Report and Order*, IB Docket No. 01-185, 18 FCC Rcd 1962, n.144 (February 10, 2003) (“*ATC Order*”).

⁸ See Inmarsat Finance plc, Form F-4 Registration Statement -- Exchange Offer for 7 5/8% Senior Notes due 2012 (May 25, 2004), at 10 (available at: <http://www.sec.gov/Archives/edgar/data/1291401/000104746905012474/0001047469-05-012474-index.htm>).

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Telenor Application. Telenor is a distributor of Inmarsat's services in the United States. In November 2001, the Commission authorized various entities, including Telenor's predecessor, COMSAT Mobile, to operate in the United States using Inmarsat-3 satellites.⁹ The Commission granted the applications subject to the condition that operations be conducted on a non-interference basis, using only those frequencies coordinated for Inmarsat-3 satellites under the 1999 SSA. *See COMSAT Order* ¶ 115(c)-(d).

Telenor currently holds a license for a fixed earth station located in Santa Paula, California which authorizes operation with the Inmarsat-3 (POR) satellite at 178°E. *See Call Sign E980136.* The license authorizes transmit and receive operations using C band frequencies, and receive-only operations using frequencies in the Global Positioning System band (1574-1576 MHz) and the MSS L band (1545.8-1548 MHz). The license states that the earth station is used for "digital data and feederlink to support FAA – WASS [sic] Program."¹⁰

In the above-referenced application, Telenor seeks an STA to shift operation of this fixed earth station to the Inmarsat 3F4 satellite which has recently been relocated to 142°W.¹¹ Telenor states that the fixed earth station will use C band feeder link frequencies, apparently to the

⁹ *See COMSAT Corporation et. al., Memorandum Opinion, Order and Authorization*, 16 FCC Rcd 21661 (2001) ("*COMSAT Order*").

¹⁰ It is unclear what Federal Aviation Administration ("FAA") program, if any, relies on Telenor's Wide Area Augmentation System ("WAAS") operations using these frequencies. MSV's understanding is that the only operational FAA WAAS sponsored downlink transmissions are in the band 1559-1610 MHz, outside of the MSS L band, and that any transmissions in the MSS L band are not part of the current WAAS system.

¹¹ Telenor previously filed an application to operate a different fixed earth station with the Inmarsat 3F4 satellite at 142°W. *See Telenor Satellite, Inc., Application*, File No. SES-MFS-20060130-00172 (Call Sign KA249) (January 30, 2006). MSV has filed a Petition to hold this application in abeyance until Inmarsat coordinates with MSV and MSV Canada the operation of its Inmarsat 3F4 satellite at 142°W, including the proposed use of the 1545.8-1548 MHz band. *See MSV, Petition to Hold in Abeyance*, File No. SES-MFS-20060130-00172 (Call Sign KA249) (March 24, 2006). Telenor's application is pending.

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exclusion of any of the MSS L band frequencies specified in its license. *Telenor STA Request*, Exhibit.

Discussion

MSV does not object to the above-referenced STA request provided the Bureau limits Telenor's operations pursuant to this STA to transmitting and receiving C band or GPS frequencies only, and specifically precludes Inmarsat from transmitting and Telenor from receiving in the MSS L band using the Inmarsat 3F4 satellite at 142°W.¹² To the extent Inmarsat intends to transmit or Telenor intends to receive in the MSS L band using the Inmarsat 3F4 satellite, however, the Bureau should not grant this application until after Inmarsat coordinates with MSV and MSV Canada the operation of its Inmarsat 3F4 satellite at 142°W. Inmarsat has not coordinated the operation of its Inmarsat 3F4 satellite at 142°W (or at any orbital location other than 54°W) with MSV or other L band operators. In fact, MSV did not learn of Inmarsat's proposal to move the Inmarsat 3F4 satellite from 54°W to 142°W until December 16, 2005, when Inmarsat's distributors filed a series of emergency STA requests to operate with another uncoordinated Inmarsat satellite that is now operating at the nominal orbital location that the Inmarsat 3F4 satellite has vacated.¹³ Inmarsat's proposed operation of the Inmarsat 3F4 satellite at 142°W is the latest in a growing number of uncoordinated satellite operations Inmarsat is conducting in North America, which will now include uncoordinated satellites operating at

¹² The Commission has not authorized the operation of the foreign-licensed Inmarsat 3F4 satellite at 142°W, nor does the satellite appear on the Permitted Space Station list. As such, Telenor must receive authority from the Commission prior to receiving MSS L band signals in the United States from the foreign-licensed Inmarsat 3F4 satellite at 142°W. 47 C.F.R. § 25.131(j); see *Amendment of the Commission's Regulatory Policies To Allow Non-U.S.-Licensed Space Stations To Provide Domestic and International Satellite Service in the United States, Report and Order*, IB Docket No. 96-111, 12 FCC Rcd 24094 (1997) ("*DISCO II*"), at ¶ 203.

¹³ See, e.g., *Stratos Communications, Inc., Request for Special Temporary Authority*, File No. SES-STA-20051216-01760 et al (December 16, 2005).

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52.75°W, 98°W, 142°W, and 143.5°E. To the extent Inmarsat intends to transmit or Telenor intends to receive in the MSS L band using the Inmarsat 3F4 satellite, the Bureau should defer action on this application until Inmarsat coordinates the Inmarsat 3F4 satellite at its new location with other L band operators.

The Bureau should also require Inmarsat to coordinate with MSV and MSV Canada prior to using the 1545.8-1548 MHz band specified in Telenor's current license. This band includes frequencies coordinated for MSV and MSV Canada in the 1999 SSA. Inmarsat has never coordinated its use of these frequencies with MSV or MSV Canada. Moreover, MSV is concerned that Telenor may claim protection from MSV or MSV Canada to the extent they cause interference to Telenor's operations using these frequencies.¹⁴ Particularly if Telenor intends to provide safety services, it would be critical not to authorize any commencement of service without resolution of such fundamental interference issues.

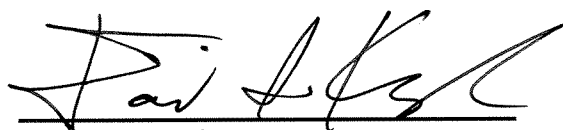
¹⁴ See *Outerlink, Inc., Order and Authorization*, DA 02-1525 (July 2, 2002). In *Outerlink*, the Bureau permitted an MSV customer to provide service using frequencies coordinated for Inmarsat in the 1999 SSA, but only after Inmarsat consented to the operation after concluding, based on bilateral coordination discussions with MSV, that harmful interference would not occur to Inmarsat and that the MSV customer would not claim protection from interference.

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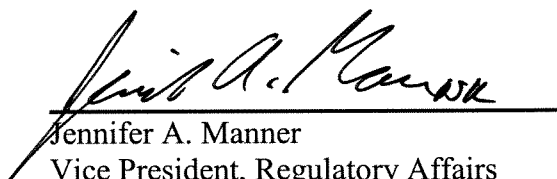
Conclusion

Based on the foregoing, the Bureau should limit Telenor's operations pursuant to this STA to transmitting and receiving C band frequencies only, and specifically preclude Inmarsat from transmitting and Telenor from receiving in the MSS L band using the Inmarsat 3F4 satellite.

Respectfully submitted,



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Dated: April 7, 2006

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CERTIFICATE OF SERVICE

I, Sylvia A. Davis, of the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 7th day of April 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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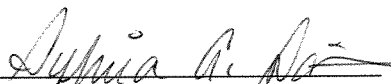
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