

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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In the Matter of	)	
	)	
Stratos Communications, Inc.	)	SES-STA-20060511-00790
	)	SES-STA-20060511-00791
	)	SES-STA-20060511-00792
	)	SES-STA-20060511-00793
	)	SES-STA-20060511-00794
	)	
SkyWave Mobile Communications, Corp.	)	SES-STA-20060511-00788
	)	
Satamatics, Inc.	)	SES-STA-20060511-00795
_____	)	

To: International Bureau

**JOINT REPLY COMMENTS**

Stratos Communications, Inc. ("Stratos"), SkyWave Mobile Communications, Corp. ("SkyWave") and Satamatics, Inc. ("Satamatics") (collectively referred to as "Applicants") hereby submit these Joint Reply Comments in response to Mobile Satellite Ventures Subsidiary LLC's ("MSV's") Comments concerning the above-captioned requests for renewal of special temporary authority ("STA").<sup>1</sup> The International Bureau ("the Bureau") should renew the STAs currently held by the Applicants to ensure that existing Inmarsat services being provided to a wide-range of U.S. military, U.S. government and private sector end-users are not disrupted.

The Applicants have filed applications to modify their existing authorizations to operate Inmarsat terminals to include the fourth-generation Inmarsat satellite located at 52.75°

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<sup>1</sup> See MSV Comments (May 15, 2006) ("MSV Comments").

W.L. ("Inmarsat 4F2") as a point of communication.<sup>2</sup> Those modification applications remain pending and since January 18, 2006, the Applicants have been providing existing Inmarsat services using the Inmarsat 4F2 pursuant to STAs, which are scheduled to expire on May 19, 2006.<sup>3</sup> The above-captioned applications seek renewal of these STAs for an additional 60 days.

In its Comments, MSV suggests that: (1) Inmarsat be required to cease use of the disputed spectrum<sup>4</sup> for the existing Inmarsat services being provided pursuant to STA on the Inmarsat 4F2; and (2) establish an expiration date of June 30, 2006 for the Stratos, SkyWave and Satamatics STAs for existing Inmarsat services unless Inmarsat has completed coordination of the Inmarsat 4F2 satellite.<sup>5</sup> Both of MSV's suggestions should be rejected by the Bureau.

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<sup>2</sup> See File Nos. SES-MFS-20051122-01614, SES-MFS-20051122-01615, SES-MFS-20051122-01616, SES-MFS-20051122-01617, SES-MFS-20051122-01618, SES-MFS-2005, SES-MFS-20051202-01665, and SES-MFS-20051207-01709.

<sup>3</sup> See File Nos. SES-STA-20051216-01760 (E000180), SES-STA-20051216-01761 (E010047), SES-STA-20051216-01762 (E010048), SES-STA-20051216-01763 (E010049), SES-STA-20051216-01764 (E010050), SES-STA-20051222-01788 (E030055), SES-STA-20051223-01790 (E020074). In March, Stratos, SkyWave and Satamatics filed for renewal of these STAs. See File Nos. SES-STA-20060307-00374, SES-STA-20060307-00375, SES-STA-20060307-00376, SES-STA-20060307-00377, SES-STA-20060307-00378, SES-STA-20060307-00373, SES-STA-20060307-00372. In addition, Stratos, SkyWave and Satamatics hold STAs for the necessary Title II authority to offer Inmarsat services using the Inmarsat 4F2. See File Nos. ITC-STA-20060121-00029, ITC-STA-20060121-00027 and ITC-STA-20060121-00028. Renewal applications were also filed in March for these STAs. See File Nos. ITC-STA-20060307-00139, ITC-STA-20060307-00138, ITC-STA-20060307-00137. On May 11, 2006, STA renewal applications were filed for the Title II STAs (due to expire on May 23, 2006). MSV has not filed Comments with respect to these Title II STA renewal applications.

<sup>4</sup> Stratos uses the neutral term, "disputed spectrum," in discussing certain bandwidth segments made available for Inmarsat's use "as part of the Revised 1999 Spectrum Sharing Arrangement (October 4, 1999), or later as bilateral arrangements between Inmarsat and MSV and Inmarsat and MSV Canada," which are now the subject of a dispute with MSV and MSV Canada. See STAs (Condition 3) at File Nos. SES-STA-20051216-01760; SES-STA-20051216-01761; SES-STA-20051216-01762; SES-STA-20051216-01763; SES-STA-20051216-01764 (Jan. 18, 2006).

<sup>5</sup> MSV Comments at 1-3.

As Stratos, SkyWave and Satamatics previously made clear, prohibiting the Inmarsat 4F2 from accessing the disputed spectrum would result in a substantial increase in call blockage probability, which would directly degrade the quality and reliability of the existing Inmarsat services provided by Stratos, SkyWave and Satamatics.<sup>6</sup> As explained by Stratos:

[O]n demand users of Inmarsat services, including Stratos' customers, are allocated channels by Inmarsat from a pool of available channels when they initiate a call. For each on demand service covered by Stratos' licenses, the pool of channels could include the disputed spectrum. Accordingly, all of Stratos' users in the U.S. could operate in the disputed spectrum. If Inmarsat 4F2 access to the disputed spectrum were terminated, then all of Stratos' U.S. customers would have their service degraded.<sup>7</sup>

While SkyWave and Satamatics do not currently use the disputed spectrum to provide the Inmarsat D+ service in the United States, terminating access to the disputed spectrum would still have an adverse effect. Specifically, terminating Inmarsat's access to the disputed spectrum would cause Inmarsat to reevaluate its entire frequency plan and force it to decide which services must get less spectrum. A loss of spectrum for use by SkyWave and Satamatics would significantly increase call-blockage probability and would compromise the ability of their customers to accurately track or monitor assets or to receive critical messages about the condition of sensitive facilities.<sup>8</sup>

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<sup>6</sup> See Letter (Public Version) from Alfred M. Mamlet to Marlene H. Dortch at 2-3 (Feb. 17, 2006) ("Stratos Report") (submitted in File Nos. SES-STA-20051216-01760; SES-STA-20051216-01761; SES-STA-20051216-01762; SES-STA-20051216-01763; SES-STA-20051216-01764; ITC-STA-20060121-00029); Letter from Alfred M. Mamlet to Marlene H. Dortch at 2 (Feb. 17, 2006) ("Satamatics Report") (submitted in File Nos. SES-STA-20051223-01790, ITC-STA-20060121-00027); Letter from Alfred M. Mamlet to Marlene H. Dortch at 2 (Feb. 17, 2006) ("SkyWave Report") (submitted in File Nos. SES-STA-20051222-0178, ITC-STA-20060121-00028).

<sup>7</sup> Stratos Report at 2.

<sup>8</sup> SkyWave Report at 2; Satamatics Report at 2.

As the Applicants have clearly set forth in their STA requests, the customers of Stratos, SkyWave and Satamatics rely heavily on the Inmarsat services to facilitate military communications, law enforcement, homeland security and to protect, track and monitor sensitive assets throughout the United States.<sup>9</sup> Any disruption to these services would jeopardize these essential activities and clearly would not be in the public interest.

MSV suggests that terminating use of the disputed spectrum is appropriate because the Bureau has already done so with respect to the STAs issued for the BGAN service.<sup>10</sup> Significantly, however, BGAN is a new service whereas there are thousands of customers in United States using the existing Inmarsat services. Applying the spectrum limitation advocated by MSV would have a serious impact on services that many customers rely on today, including "First Responders" using Inmarsat as a communications tool in disaster relief and as a back-up to terrestrial communications.

MSV's suggestion to limit the spectrum used by Stratos, SkyWave and Satamatics should be rejected as a transparent attempt to use the Applicant's STA renewals (and their underlying modification applications) as leverage in its on-going spectrum dispute with Inmarsat. If MSV has a dispute over the current allocation of L-band spectrum, it should resolve this dispute with Inmarsat through international coordination, not by hijacking these STA renewals and the underlying modification applications in this proceeding. Stratos, SkyWave and Satamatics should be able to continue to use all frequencies that they are currently authorized to use in their licenses, subject to the outcome of any international coordination. Subject to a non-

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<sup>9</sup> See Attachment A of File Nos. SES-STA-20060307-00374, SES-STA-20060307-00375, SES-STA-20060307-00376, SES-STA-20060307-00377, SES-STA-20060307-00378, SES-STA-20060307-00372 and SES-STA-20060307-00373.

<sup>10</sup> MSV Comments at 2.

interference condition, the Commission has consistently held that MSV, TMI, Stratos and others can use the entire range of L-band frequencies in the absence of a coordination agreement.<sup>11</sup>

There is no reason to treat Applicants differently now.

Significantly, prohibiting the Inmarsat 4F2 from using the disputed spectrum, would not free up this spectrum for use by MSV. The disputed spectrum is used on a number of Inmarsat spacecraft covering North America, thereby precluding reuse of the disputed spectrum over North America by other MSS networks, like MSV, regardless of whether or not the Inmarsat 4F2 satellite uses the disputed spectrum or not.

MSV's suggestion that the STAs be terminated by June 30, 2006 unless Inmarsat completes satellite coordination is inconsistent with the treatment of recent MSV applications for L-band services. Just last year, the Bureau granted two MSV applications to operate in the L-band -- one for a replacement satellite at 101° W.L. and one for a new satellite (*i.e.*, a satellite not contemplated by the Mexico City MoU) at 63.5° W.L.<sup>12</sup> In the absence of a coordination agreement, the Commission did not impose any deadline to complete a new L-band coordination agreement, and granted both applications on a "non-harmful interference basis to other mobile-satellite service systems operating in the L-band."<sup>13</sup> Applicants request that the Bureau treat the existing STAs similarly. Indeed, since the UK (the administration licensing the Inmarsat system and the home of Satamatics's ultimate corporate parent) and Canada (home of the ultimate

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<sup>11</sup> See *MSV 101° W.L. Order* at ¶ 34; See *MSV 63.5° W.L. Order* at ¶ 23; *Inmarsat Market Access Order*, 16 FCC Rcd. at 21712; See *SatCom Systems, Inc. et al.*, 14 FCC Rcd. 20798, 20814 (1999) ("*TMI Market Access Order*").

<sup>12</sup> See *MSV 63.5° W.L. Order* and *MSV 101° W.L. Order*.

<sup>13</sup> See *MSV 63.5° W.L. Order* at ¶ 39; *MSV 101° W.L. Order* at ¶ 59.

corporate parents of Stratos and SkyWave) are WTO Members, the U.S. has an obligation to do so.<sup>14</sup>

Prompt renewal of the STAs held by Stratos, SkyWave and Satamatics (without any conditions proposed by MSV) will ensure continued service to the Stratos, SkyWave and Satamatics customers while the Bureau resolves the issues associated with the underlying modification applications and the on-going Inmarsat/MSV spectrum dispute.

Respectfully submitted,

**Stratos Communications, Inc.**  
**SkyWave Mobile Communications, Corp.**  
**Satamatics, Inc.**



Alfred M. Mamlet

Marc A. Paul

**Steptoe & Johnson LLP**  
1330 Connecticut Avenue, NW  
Washington, D.C. 20036  
(202) 429-3000

*Counsel to Stratos Communications, Inc.,  
SkyWave Mobile Communications, Corp. and  
Satamatics, Inc.*

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<sup>14</sup> See *TMI Market Access Order*, 14 FCC Red. at 20813 (rejecting the attempt of AMSC to preclude other L-band systems from serving the U.S. until AMSC had completed coordination of 20 MHz of spectrum because doing so "would be inconsistent with U.S. market access commitments in the WTO Agreement"); *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, 12 FCC Red. 24094, 24104(1997) ("*DISCO II*") (recognizing the US commitment "to provide market access to all basic telecommunications services and national treatment to service suppliers of WTO members").

## CERTIFICATE OF SERVICE

I, Marc A. Paul, an attorney with the law firm of Steptoe & Johnson LLP, hereby certify that on this 31st day of May, 2006, I served a true copy of the foregoing Reply Comments by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

Roderick Porter\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Richard Engelman\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Robert Nelson\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Cassandra Thomas\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Howard Griboff\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Fern Jarmulnek\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Stephen Duall\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Gardner Foster\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Andrea Kelly\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Scott Kotler\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Karl Kensinger\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

John Martin\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Jennifer A. Manner  
Vice President, Regulatory Affairs  
Mobile Satellite Ventures Subsidiary LLC  
1002 Park Ridge Boulevard  
Reston, Virginia 20191

Bruce D. Jacobs  
David S. Konczal  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, N.W.  
Washington, DC 20037-1128

James Ball\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Diane J. Cornell  
Vice President, Government Affairs  
Inmarsat, Inc.  
1100 Wilson Blvd, Suite 1425  
Arlington, VA 22209

John P. Janka  
Jeffrey A. Marks  
Latham & Watkins LLP  
555 Eleventh Street, N.W., Suite 1000  
Washington, D.C. 20004

\* By electronic mail

A handwritten signature in black ink, appearing to read 'M. Paul', written over a horizontal line.

Marc A. Paul