

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

In the matter of)
)
Deere & Company) File No. SES-STA-20060605-00922
Application for Special Temporary Authority to)
Operate Receive-Only Mobile Earth Stations 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 for Special Temporary Authority (“STA”) filed by Deere & Company (“Deere”) to test receive-only mobile earth stations with the Inmarsat 3F4 satellite which has recently been relocated to 142°W.¹ To the extent the Bureau grants the STA, MSV urges the Bureau to make clear that (i) grant should not be construed as a Commission endorsement of Inmarsat’s failure to coordinate the Inmarsat 3F4 satellite at its new location with other L band operators; and (ii) Inmarsat must coordinate the Inmarsat 3F4 with other L band operators before Deere can provide commercial service in the United States with this satellite.

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

¹ See Deere & Company, Application, File No. SES-STA-20060605-00922 (June 3, 2006) (“*Deere Application*”). 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 these Comments. 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).

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*,

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 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 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 at specific orbital locations

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*”).

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*”).

for specific satellites through multi-party operator agreements, called Spectrum Sharing Arrangements (“SSA”).

Deere Application. Deere currently uses the Inmarsat-2 satellite at 98°WL to provide a precision farming service using receive-only mobile earth stations. In November 2001, the Commission authorized various entities, including Deere, to operate in the United States using Inmarsat satellites.⁷ 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 under the 1999 SSA. *See COMSAT Order* ¶ 115(c)-(d). In the above-referenced application, Deere seeks authority to test receive-only mobile earth stations with the Inmarsat 3F4 satellite at 142°WL which has recently been relocated to 142°WL to replace an uncoordinated Inmarsat-2 satellite at 142°WL that, according to Inmarsat, was “running out of fuel” and would be “decommissioned shortly.”⁸ Deere requests authority to test using only the 1535.15 MHz frequency and only for the period of June 15th through July 14th.

Discussion

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

⁷ *See COMSAT Corporation et. al., Memorandum Opinion, Order and Authorization*, 16 FCC Rcd 21661 (2001) (“*COMSAT Order*”).

⁸ *See Telenor Communications, Inc., Request for Special Temporary Authority*, File No. SES-STA-20060118-00055 et al (January 18, 2006), Norton Declaration at ¶ 2.

location that the Inmarsat 3F4 satellite has vacated.⁹ The proposed operation of the Inmarsat 3F4 satellite at 142°WL 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 52.75°WL, 98°WL, 142°WL, and 143.5°EL. To the extent the Bureau grants the STA, MSV urges the Bureau to make clear that this grant should not be construed as a Commission endorsement of Inmarsat's failure to coordinate the Inmarsat 3F4 satellite at its new location with other L band operators.

Instead, the Bureau should explain that use of the Inmarsat 3F4 satellite for commercial service in the United States will not be permitted unless and until Inmarsat coordinates this satellite at its new location with other L band operators. Absent prior coordination, there is a material risk of interference to other L band operators from Inmarsat's uncoordinated operations. The Inmarsat 3F4 satellite is materially different than the Inmarsat-2 satellite it is allegedly replacing, and is more likely both to cause interference to and to suffer interference from other L band systems relative to the Inmarsat-2 satellite. For example, the Inmarsat-2 satellite at 142°WL has a global beam only; the Inmarsat 3F4 satellite has a global beam as well as regional beams. Assuming Inmarsat uses the regional beams on the Inmarsat 3F4 satellite at 142°W, Inmarsat will be required to use additional spectrum because Inmarsat cannot operate regional and global beams using the same frequencies. Even if Inmarsat uses only the global beam of the Inmarsat 3F4 satellite, the Inmarsat 3F4 satellite has a higher aggregate EIRP than the Inmarsat-2 satellite. In short, the Inmarsat 3F4 is technically different than the Inmarsat-2 satellite, making

⁹ See, e.g., Stratos Communications, Inc., Request for Special Temporary Authority, File No. SES-STA-20051216-01760 et al (December 16, 2005).

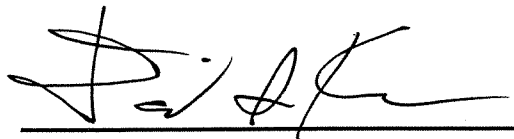
it infeasible for Inmarsat to operate the new satellite within the parameters of its old satellite.¹⁰

As such, prior coordination is required with other L band operators.

Conclusion

In light of the foregoing, MSV urges the Bureau to act consistently with the views expressed herein.

Respectfully submitted,



Bruce D. Jacobs
David S. Konczal
**PILLSBURY WINTHROP
SHAW PITTMAN LLP**
2300 N Street, NW
Washington, DC 20037-1128
(202) 663-8000



Jennifer A. Manner
Vice President, Regulatory Affairs
**MOBILE SATELLITE VENTURES
SUBSIDIARY LLC**
10802 Parkridge Boulevard
Reston, Virginia 20191
(703) 390-2700

Dated: June 6, 2006

¹⁰ Inmarsat and Deere have failed to provide any technical information regarding the operation of the Inmarsat 3F4 satellite at 142°W. They are required to provide this information because the Commission has not previously authorized the operation of the foreign-licensed Inmarsat 3F4 satellite at 142°W, nor does the satellite appear on the Permitted Space Station list. See 47 C.F.R. § 25.137(b); *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.

CERTIFICATE OF SERVICE

I, Sylvia A. Davis of the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 6th day of June 2006, I served a true copy of the foregoing upon the following:

Roderick Porter*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Richard Engelman*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

James Ball*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Karl Kensinger*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Robert Nelson*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Stephen Duall*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Scott Kotler*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Gardner Foster*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

John Martin*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Cassandra Thomas*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Fern Jarmulnek*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

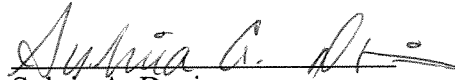
Andrea Kelly*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dr. Peter Williams
Deere & Company
20780 Madrona Ave.
Torrance, CA 90503-3777

Eliot J. Greenwald
Bingham McCutchen LLP
3000 K Street, NW
Suite 300
Washington, DC 20007-5116

Counsel for Deere & Company


Sylvia A. Davis

*By electronic mail