



provide commercial service in the United States with this satellite.’<sup>2</sup> There is no basis for MSV’s requests.

As an initial matter, Deere’s proposed testing operations do not raise any interference issues. Inmarsat has been successfully operating its I-3 spacecraft at 142° W.L. for approximately three months, since the time Inmarsat decommissioned the Inmarsat-2 spacecraft that had been successfully operating at that location for the previous four years. Nowhere does MSV allege that Inmarsat’s operations at 142° W.L. have caused harmful interference. Moreover, Deere requests STA to use the very same limited portion of the L-Band that the Commission has authorized for Deere’s use since 2001.<sup>3</sup> Deere’s proposed operations in that frequency segment over I-3, therefore, cannot reasonably be expected to have an adverse effect on MSV.

Furthermore, MSV’s requests are superfluous and inconsistent with Commission policy regarding the authorization of L-Band services. First, it would be premature and prejudicial for the Commission to place a condition on Deere’s future “commercial” operations that are not even the subject of this application, as MSV suggests. The Commission should not include language in Deere’s STA based on the mere speculation that Deere *might* file an application for commercial authority at some future date. Second, granting MSV’s requests regarding coordination would contravene longstanding Commission precedent, which provides that completion of coordination is not a condition precedent to (or a *quid pro quo* for) issuance of

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<sup>2</sup> MSV Comments at 1.

<sup>3</sup> See File No. SES-LIC-20010112-00051 (authorizing Deere’s provision of L-Band services over the Inmarsat-2 spacecraft at 98° W.L.).

an authorization to provide MSS in the United States.<sup>4</sup> The Commission confirmed this policy in its recent grant of MSV's application to operate a new and uncoordinated L-Band MSS spacecraft at 63.5° W.L.<sup>5</sup> That application was granted just last year without any obligation being imposed on MSV to effectuate coordination with Inmarsat prior to launching or operating MSV's spacecraft. Here (as the Commission found in MSV's case)<sup>6</sup> no other L-Band system in the vicinity of the United States could use the L-Band spectrum currently used by Inmarsat (and for which Deere already holds an FCC authorization) to serve the United States.

As a final matter, imposing a coordination condition on Deere's future operations would be fundamentally unfair, as it would provide MSV with sole control over whether Deere could ever provide commercial services over the I-3 satellite at 142° W.L. 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.<sup>7</sup> Moreover, such conditions would unjustifiably treat Deere (and Inmarsat) differently than the Commission has treated other MSS applicants.<sup>8</sup>

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<sup>4</sup> *Establishment of Policies and Service Rules for MSS in the 2 GHz Band*, 15 FCC Rcd 16127, 16192 ¶ 148-49 (2000); *SatCom Systems, Inc.*, 14 FCC Rcd 20798, 20813 ¶ 30 (1999) ("TMP"); *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); *AMSC Sub. Corp.*, 8 FCC Rcd 4040, 4043 ¶ 17 (1993).

<sup>5</sup> *Mobile Satellite Ventures Subsidiary LLC, Application for Authority to Launch and Operate an L-band Mobile Satellite Service Satellite at 63.5° W.L.*, 20 FCC Rcd 479 (2005). MSV recently surrendered this authorization after making a business decision not to meet its licensed milestone schedule.

<sup>6</sup> *Id.* at 482 ¶ 8.

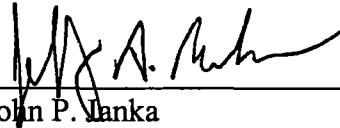
<sup>7</sup> See Inmarsat Consolidated Response, File No. SES-STA-20051216-01756 *et al.*, at 9-11 (Jan. 6, 2006).

<sup>8</sup> See, e.g., cases cited, *supra*, notes 3 & 4.

\* \* \*

For the foregoing reasons, the Commission should grant STA to Deere without including the coordination pronouncements requested by MSV.

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June 21, 2006

## CERTIFICATE OF SERVICE

I, Jeffrey A. Marks, hereby certify that on this 21<sup>st</sup> day of June, 2006, I caused to be served a true copy of the foregoing "Reply of Inmarsat Ventures Limited" by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

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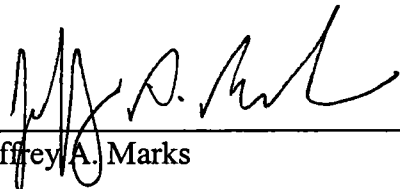
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