

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

In the matter of)	
)	
Stratos Communications, Inc.)	File No. SES-STA-20060906-01674 (Call Sign E050249)
)	
Telenor Satellite, Inc.)	File No. SES-STA-20060830-01580 (Call Sign E050276)
)	
FTMSC US LLC)	File No. SES-STA-20060905-01667 (Call Sign E050284)
)	
BT Americas, Inc.)	File No. SES-STA-20060907-01679 (Call Sign E060076)
)	
MVS USA Inc.)	File No. SES-STA-20060905-01673 (Call Sign E050348)

RESPONSE OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby files this Response to the Reply of Inmarsat Ventures Limited (“Inmarsat”) and Stratos Communications, Inc., Telenor Satellite, Inc., FTMSC US, LLC, BT Americas Inc., and MVS USA, Inc. (collectively, the “BGAN Distributors”) submitted in the above-referenced proceeding in which the BGAN Distributors seek renewal of their grants of Special Temporary Authority (“STA”) to operate 25,000 Broadband Global Area Network (“BGAN”) terminals using an uncoordinated Inmarsat satellite, Inmarsat 4F2 at 52.75°W.¹ In its Comments, MSV asked the International Bureau (“Bureau”) in acting on these renewal requests to (i) clarify the conditions the Bureau imposed on grants of the STAs consistent with MSV’s June 12th Petition for Clarification;² and (ii) provide notice to the applicants that grants of the STAs for BGAN operations will not be

¹ See Inmarsat Ventures Limited et al., Joint Reply, File No. SES-STA-20060906-01674 (Call Sign E050249) et al. (September 20, 2006) (“*Inmarsat Reply*”).

² See Mobile Satellite Ventures Subsidiary LLC, Comments, File No. SES-STA-20060906-01674 (Call Sign E050249) et al. (September 7, 2006) (“*MSV Comments*”) (attaching Mobile Satellite Ventures Subsidiary LLC, Petition for Clarification, File No. SES-STA-20060310-00419 et al (June 12, 2006) (attaching Letter from Ms. Jennifer A. Manner, MSV, to Ms. Marlene H. Dortch, FCC, File No. SES-STA-20060310-00419 et al. (May 26, 2006))).

extended beyond November 30, 2006, the official end of hurricane season, which was the primary justification offered by the BGAN distributors allegedly supporting grant of the STAs.

In their Reply, Inmarsat and the BGAN Distributors contend that BGAN service has been “successfully” provided in the United States for four months, thus purportedly demonstrating that the current conditions are adequate. *Inmarsat Reply* at 1, 3. Inmarsat and the BGAN Distributors, however, do not reveal (i) how many of the 30,000 BGAN terminals authorized by the Bureau are actually in operation today; (ii) how often these terminals have been operated; and (iii) what frequencies have been assigned for BGAN operations. The operation of a handful (if any) of BGAN terminals to date demonstrates nothing regarding the aggregate interference that will result if more and more BGAN terminals are operated in the future. The Bureau should clarify the conditions imposed on BGAN operations now, prior to the interference that will result assuming increasing numbers of BGAN terminals are operated at some point in the future.

Inmarsat and the BGAN Distributors also claim that there is no basis to terminate the STAs upon the end of hurricane season because there are other reasons justifying continuing grant of the STAs. *Inmarsat Reply* at 2-3. As an initial matter, the Bureau never issued a decision explaining the “extraordinary circumstances” that justified grant of the STA; thus, there is no basis for Inmarsat to assume that purported justifications other than hurricane season are sufficient to support grant of the STAs. In fact, of the reasons cited by Inmarsat and the BGAN Distributors as purportedly justifying grant of the STAs, hurricane season is the only one that could have reasonably met the “extraordinary circumstances” standard.³ For example, while

³ 47 C.F.R. § 25.120(b)(1) (“The Commission may grant a temporary authorization only upon a finding that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of these temporary operations would seriously prejudice the public interest. Convenience to the applicant, such as marketing considerations or meeting scheduled customer in-service dates, will not be deemed sufficient for this purpose.”).

Inmarsat and the BGAN Distributors claim that the STAs are warranted because of the delay in processing the underlying applications for permanent authority to operate BGAN terminals (*Inmarsat Reply* at 2), this delay is a circumstance of Inmarsat's own making that is entirely within Inmarsat's control.⁴ Inmarsat is an experienced operator of satellites throughout the world. Inmarsat knows well its obligation to coordinate its new satellite and services with other L band operators. But, despite having many years to do so, Inmarsat has failed to coordinate the Inmarsat 4F2 and its BGAN service with the North American L band operators. Only Inmarsat – and neither the Commission nor MSV -- is to blame for Inmarsat's failure to coordinate its new satellite and services.⁵

Inmarsat and the BGAN Distributors also make unsupported claims regarding how BGAN service could potentially serve as a “powerful tool” for first responders and relief workers. *Inmarsat Reply* at 2. Inmarsat and the BGAN Distributors, however, offer no evidence that first responders and relief works are actually using BGAN terminals today. If unsupported

⁴ The Bureau has specifically stated that an applicant must demonstrate that an STA is necessary “due to circumstances beyond its control.” *See Public Notice*, DA 87-1311 (September 25, 1987).

⁵ Inmarsat and the BGAN Distributors disingenuously assert that the Commission has “long recognized” that an STA is justified any time an application has been pending for “a long period of time.” *Inmarsat Reply* at 2 (citing *Amendment of Part 25 of the Commission's Rules, First Report and Order*, 6 FCC Rcd 2806, ¶ 27 (May 21, 1991)). In fact, this Commission policy applies only to “routine” earth station applications. *See* 6 FCC Rcd 2806, ¶ 27. The pending BGAN applications are far from “routine,” given the harmful interference and international coordination issues raised. Moreover, the pending BGAN applications are the first applications to seek access to the foreign-licensed Inmarsat 4F2 satellite in the United States. As such, these applications are more than routine “earth station” applications because they present the Bureau with its first opportunity to consider the technical and policy issues presented by the operation of Inmarsat's new foreign-licensed satellite in the United States. As such, these applications are as much *satellite* applications as they are earth station applications. *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 ¶¶ 189-190.

claims regarding *theoretical* users are sufficient to support grant of an STA, then there is no limit to what will justify grant of an STA in the future.

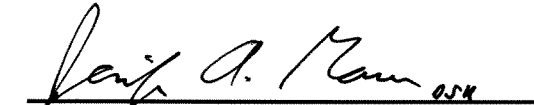
Moreover, as MSV explained in its Comments, MSV is providing critical services today to actual first responders and relief workers. *MSV Comments* at 2-4. As numerous public safety users have explained in letters to the Commission, renewal of the BGAN STAs comes at the expense of increased interference to the services MSV provides today to substantial numbers of federal, state, and local first responders and relief workers.⁶ MSV urges the Bureau to protect the existing and reliable services MSV currently provides to public safety users by terminating the BGAN STAs effective November 30, 2006, rather than sacrificing these critical services for the sake of Inmarsat's business plans.

⁶ See Letter from Commonwealth of Kentucky's Division of Emergency Management to Ms. Marlene H. Dortch, FCC, File No. SES-LFS-20050826-01175 et al (July 24, 2006); Letter from Southwest Texas Regional Advisory Council for Trauma to Ms. Marlene H. Dortch, FCC, File No. SES-LFS-20050826-01175 et al (July 17, 2006); Letter from Mississippi Senator Merle Flowers to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 24, 2006); Letter from Bolivar County (MS) Emergency Management Agency to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 24, 2006); Letter from City of Orlando Emergency Management to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 24, 2006); Letter from Collier (FL) County Government to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 26, 2006); Letter from Alliance to Save Florida's Trauma Care to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 24, 2006); Letter from Hernando County (FL) Emergency Management to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (June 12, 2006); Letter from Santa Rosa County (FL) Division of Emergency Management to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (June 15, 2006); Letter from Charles Barbour, Supervisor, Hinds County (MS) to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 26, 2006); Letter from Blue Cross and Blue Shield of Florida to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 23, 2006); Letter from Hinds County (MS) Sheriff's Department to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 23, 2006); Letter from Community Development Leagues of America, Inc. to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 25, 2006); Letter from Seminole County (FL) Department of Information Technologies to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (June 8, 2006); Letter from Florida Department of Agriculture and Consumer Services to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 24, 2006).

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Dated: October 2, 2006

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 2nd day of October 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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