

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

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NOV 13 2006

Federal Communications Commission  
Office of the Secretary

In the matter of )  
)  
SkyWave Mobile Communications, ) File No. SES-STA-20061109-01979 (Call Sign E030055)  
Inc. )  
)  
Stratos Communications, Inc. ) File No. SES-STA-20061109-01985 (Call Sign E010047)  
) File No. SES-STA-20061109-01986 (Call Sign E010048)  
) File No. SES-STA-20061109-01984 (Call Sign E000180)  
) File No. SES-STA-20061109-01987 (Call Sign E010049)  
) File No. SES-STA-20061109-01988 (Call Sign E010050)  
)  
Satamatics, Inc. ) File No. SES-STA-20061109-01980 (Call Sign E020074)  
)  
Telenor Satellite Inc. ) File No. SES-STA-20061027-01896 (Call Sign E000280)  
) File No. SES-STA-20061027-01887 (Call Sign E000282)  
) File No. SES-STA-20061027-01902 (Call Sign E000285)  
) File No. SES-STA-20061027-01903 (Call Sign E000284)  
) File No. SES-STA-20061027-01900 (Call Sign E000283)  
) File No. SES-STA-20061027-01901 (Call Sign WB36)  
) File No. SES-STA-20061027-01899 (Call Sign KA313)

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Satellite Division  
International Bureau

**COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC**

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby files these Comments on the above-referenced applications filed by SkyWave Mobile Communications, Inc. ("SkyWave"), Stratos Communications, Inc. ("Stratos"), Satamatics, Inc. ("Satamatics"), and Telenor Satellite Inc. ("Telenor") (collectively, the "Applicants") for a fifth 60-day renewal of existing grants of Special Temporary Authority ("STA") to operate earlier-generation mobile earth terminals using the uncoordinated Inmarsat 4F2 satellite at 52.75° W.L.<sup>1</sup> The STAs expire on November 15,

<sup>1</sup> See SkyWave Mobile Communications, Inc., Request for Special Temporary Authority, File No. SES-STA-20061109-01979 (Call Sign E030055) (filed November 9, 2006) ("*SkyWave Application*"); Stratos Communications Inc., Request for Special Temporary Authority, File No. SES-STA-20061109-01984 (Call Sign E000180) et al (filed November 9, 2006) ("*Stratos Application*"); Satamatics, Inc., Request for Special Temporary Authority, File No. SES-STA-20061109-01980 (Call Sign E020074) (filed November

2006. MSV again urges the Bureau to continue to apply the conditions imposed on the original STA grants for earlier-generation services as well as to (i) immediately require Inmarsat to return the loaned frequencies and (ii) establish a firm expiration date for these STAs without Inmarsat having completed coordination of the Inmarsat 4F2 satellite with the United States.

Inmarsat continues to refuse to return certain L band frequencies that were coordinated under the 1999 Spectrum Sharing Arrangement (“SSA”) for MSV and MSV Canada, which loaned them temporarily to Inmarsat, and which Inmarsat has refused to return.<sup>2</sup> Critically, Inmarsat’s refusal to return the loaned frequencies blocks MSV from deploying new, bandwidth-intensive services on its present system, including important public safety services. Public safety officials have informed the Commission that they are particularly prejudiced by Inmarsat’s steadfast refusal to return the loaned frequencies.<sup>3</sup> Among other things, public safety users have expressed concern to the Commission that Inmarsat’s refusal to return the loaned frequencies will impede the critical services MSV offers today to public safety users. The Commonwealth of Kentucky’s Division of Emergency Management, an MSV user, has informed the Commission

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9, 2006) (“*Satamatics Application*”); Telenor Satellite Inc., Request for Special Temporary Authority, File No. SES-STA-20061027-01896 et al (Call Sign E000280) et al (filed October 27, 2006) (“*Telenor Application*”).

<sup>2</sup> The Bureau has defined these frequencies as “loaned” and described them as “those bandwidth segments that were loaned to Inmarsat by MSV and [Mobile Satellite Ventures (Canada) Inc.], either 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.” See, e.g., *Telenor STA Grant*, File No. SES-STA-20060118-00055 et al (January 18, 2006), at ¶ 3.

<sup>3</sup> See Letter from Mississippi Senator Merle Flowers to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 24, 2006) (“MSV needs L band spectrum it loaned to Inmarsat to be returned . . .”); 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).

that the loaned frequencies are “required for MSV to develop new and innovative service for public safety users, including additional services that further improve interoperable communications.”<sup>4</sup>

For example, as MSV explained in Comments filed on the Commission’s Notice of Proposed Rulemaking (“*NPRM*”) seeking input on the recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (“*Katrina Panel*”),<sup>5</sup> MSV currently offers the only satellite-based push-to-talk (“*PTT*”) service in the country today.<sup>6</sup> This product allows point-to-point or point-to-multipoint voice communications among users in a customer-defined group using a *PTT* handset. Using a customer-defined calling group, a public safety user can communicate with one or up to 10,000 users simultaneously. With this technology, all users within the call group receive the same information simultaneously. During emergencies when terrestrial infrastructure is impaired, MSV’s *PTT* service can be of critical importance in keeping first responders informed. In addition, MSV’s *PTT* service can be interfaced with existing terrestrial-based public safety radios (*LMRs*) or commercial Enhanced Specialized Mobile Radios (*ESMR*), and thus serve as a satellite repeater to both technologies. This enables the radios to continue to function even when the terrestrial infrastructure supporting the *LMRs* or *ESMRs* are destroyed. It is precisely this type of critical, interoperable public safety service that is being impeded by Inmarsat’s continued refusal to return loaned frequencies and continued operation of uncoordinated satellites.

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<sup>4</sup> 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); see also 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).

<sup>5</sup> See *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, Notice of Proposed Rulemaking*, EB Docket No. 06-119, FCC 06-83 (June 16, 2006) (“*NPRM*”).

<sup>6</sup> See Comments of Mobile Satellite Ventures Subsidiary LLC, EB Docket No. 06-119 (August 7, 2006).

Moreover, Inmarsat's refusal precludes MSV from using these frequencies to support existing customers and for testing and deploying its interim-generation and next-generation integrated satellite-terrestrial network. Accordingly, operation of earlier-generation services with Inmarsat 4F2 pursuant to the STAs has adversely affected the interference environment in the L band.

The Bureau has already taken action to prohibit Inmarsat's illegal usurpation of loaned frequencies for its Broadband Global Area Network ("BGAN") service using the uncoordinated Inmarsat 4F2 satellite.<sup>7</sup> MSV urges the Bureau to take the same action with respect to Inmarsat's earlier-generation services. While the Applicants filed reports almost nine months ago pertaining to their possible use of loaned frequencies for earlier-generation services, the Bureau has not yet acted to preclude Inmarsat from using the loaned frequencies for these services. These reports (to the extent they are publicly available) contain absolutely no analytical, statistical, or other support to justify Inmarsat's continued refusal to relinquish the loaned frequencies despite the harm that is being caused to MSV and MSV Canada. This harm is occurring now and is exacerbated by Inmarsat's and the Applicants' refusal to return these frequencies to MSV and MSV Canada.

In addition to requiring an immediate return of the loaned frequencies, MSV urges the Bureau to provide a clear expiration date for these STAs unless Inmarsat has completed the coordination of the new and relocated Inmarsat satellites and services. Not only will successful coordination mitigate the harmful interference that would otherwise result from operation of Inmarsat's uncoordinated satellite, this coordination should also facilitate rebanding of L band spectrum into more contiguous frequency blocks that will increase efficient use of L band

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<sup>7</sup> See, e.g., Stratos Communications, Inc., Grant, File No. SES-STA-20060310-00419 (Call Sign 050249) (May 12, 2006), Condition No. 3.

spectrum<sup>8</sup> and maximize the potential for offering broadband services, which Chairman Martin recently explained is the Commission's top priority.<sup>9</sup> Indeed, numerous public safety users and government entities have filed letters urging the Commission to promote the coordination of contiguous L band frequency assignments in order to facilitate broadband satellite services for first responders.<sup>10</sup>

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<sup>8</sup> The Commission has identified the promotion of "efficient and effective" use of spectrum as one of its strategic objectives (*see FCC, Strategic Plan: 2006-2011* (September 30, 2005)), and it has recognized the assignment of contiguous frequency blocks as a means of achieving this efficiency. *See generally Improving Public Safety Communications in the 800 MHz Band, Report and Order*, 19 FCC Rcd 14969 (August 6, 2004); *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems, Third Report and Order, Third Notice of Proposed Rule Making, and Second Memorandum Opinion and Order*, 18 FCC Rcd 2223, ¶ 68 (2003); *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz, Second Report and Order*, 17 FCC Rcd 23193, ¶ 16 (November 15, 2002) ("The record also identifies general benefits of large contiguous blocks of harmonized spectrum, including economies of scale in equipment development and quicker deployment of advanced services.").

<sup>9</sup> *See* Remarks of FCC Chairman Kevin J. Martin, *Imagining the Digital Healthcare Future in the Rural West*, Montana State University – Bozeman (July 7, 2006) ("Since becoming Chairman about 16 months ago, I have made broadband deployment the Commission's top priority. . . ."); *see also* White House, *A New Generation of American Innovation* (April 2004) ("The President has called for universal, affordable access for broadband technology by the year 2007 and wants to make sure we give Americans plenty of technology choices when it comes to purchasing broadband. Broadband technology will enhance our Nation's economic competitiveness and will help improve education and health care for all Americans.") (available at [http://www.whitehouse.gov/infocus/technology/economic\\_policy200404/toc.html](http://www.whitehouse.gov/infocus/technology/economic_policy200404/toc.html)); *FCC, Strategic Plan: 2006-2011* (September 30, 2005) (identifying the promotion of broadband as one of the Commission's six general goals for the next five years).

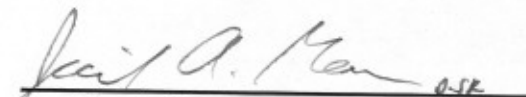
<sup>10</sup> *See* Letter from Santa Rosa County (FL) Division of Emergency Management to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (June 15, 2006) (asking the Commission to "take measure to ensure that satellite providers in our state have access to enough contiguous spectrum to offer the new types of services that will make a difference for our first responders"); *See* 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) ("the L band spectrum used currently by five parties needs to be redistributed so that all parties' shares are contiguous"); 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); Letter from Kenneth W. Stolle, Member, Virginia Senate, to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (July 12, 2006); Letter from John M. O'Bannon, III, MD,

If, however, the Bureau continues to renew STAs for use of Inmarsat's new satellite and services without insisting that Inmarsat first complete coordination, there are no reasonable prospects that such coordination will ever be successfully completed. Instead, Inmarsat will continue to shirk its obligation to coordinate its satellites with other North American L band operators, thereby thwarting the Commission's goals of increasing efficient spectrum use and promoting broadband deployment.

Respectfully submitted,



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Dated: November 13, 2006

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Delegate, 73<sup>rd</sup> District, Member, Virginia House of Delegates, to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (July 28, 2006); Letter from L. Scott Lingamfelter, Member, Virginia House of Delegates, to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (July 17, 2006); Letter from David B. Albo, Member, Virginia House of Delegates, to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (July 12, 2006); Letter from John W. Jones, Executive Director, Virginia Sheriffs' Association, to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (July 24, 2006); Letter from J. Bradley Reynolds, Commissioner Northeast Ward, Nacogdoches, Texas, to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (July 19, 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 13th day of November 2006, served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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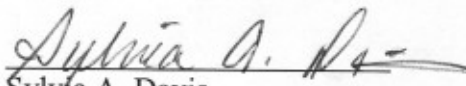
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