

December 18, 2006

Via Hand Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Pending Applications to Operate with an Uncoordinated Inmarsat Satellite
File Numbers Attached as Exhibit A**

Dear Ms. Dortch:

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby responds to the December 6th letter filed by Inmarsat Ventures Limited ("Inmarsat") and certain of its distributors responding to a November 22nd letter submitted by MSV regarding the continued operation of the uncoordinated Broadband Global Area Network ("BGAN") service with the uncoordinated Inmarsat 4F2 satellite pursuant to grants of Special Temporary Authority ("STA").¹ As numerous public safety users have explained in letters to the Commission, continued 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.

In its letter, MSV noted that the minimal BGAN subscribership demonstrates that (i) the alleged absence of interference from BGAN operations to date proves nothing regarding the potential interference that will result if more and more BGAN terminals are operated in the future, and (ii) given the excessive number of BGAN terminals that the Bureau has authorized for use in the United States pursuant to STA, only a firm expiration date for the BGAN STAs will provide Inmarsat with the needed incentive to satisfy its obligation to coordinate its uncoordinated Inmarsat 4F2 satellite with the North American L band operators. *MSV Letter* at 1-2. In response, Inmarsat makes various claims regarding the alleged usefulness of BGAN service, but offers absolutely no evidence regarding the number of BGAN terminals that are used in the United States today. Indeed, using Inmarsat's own estimate of 400 new BGAN activations *worldwide* per month, it will be *five years* before Inmarsat and its distributors approach the limit of 30,000 BGAN terminals authorized in the United States pursuant to STA.² Of course, given

¹ See Letter from Jennifer A. Manner, Mobile Satellite Ventures Subsidiary LLC, to Ms. Marlene H. Dortch, FCC, File No. SES-LFS-20050826-01175 et al (November 22, 2006) ("*MSV Letter*"); Letter from Inmarsat et al to Ms. Marlene H. Dortch, FCC, File No. SES-LFS-20050826-01175 et al (December 6, 2006) ("*Inmarsat Letter*").

² See Inmarsat Ventures Limited et al., Joint Reply, File No. SES-STA-20061027-01898 et al. (November 22, 2006), at 1.

that the vast majority of BGAN terminals are used only outside of the United States, it will in fact take much longer than five years to approach the limit of 30,000 BGAN terminals. Inmarsat does not refute this in its letter. The fact remains that the number of BGAN terminals that the Bureau has authorized pursuant to STA far outweigh the demand for the terminals. As such, Inmarsat and its distributors have already received authority under STA for a sufficient number of BGAN terminals to last several years. Accordingly, unless the Bureau establishes a firm expiration date for the BGAN STAs, Inmarsat will have no incentive to satisfy its obligation to coordinate its uncoordinated Inmarsat 4F2 satellite.³ While Inmarsat claims that a firm expiration date will take BGAN terminals “out of the hands” of users, Inmarsat can avoid this consequence by simply fulfilling its obligation to coordinate its satellite. *Inmarsat Letter* at 2.

In its letter, MSV also urged the Bureau to take certain actions to the extent it permits the BGAN STAs to continue without establishing a firm expiration date. For example, MSV urged the Bureau to require disclosure of the number of BGAN terminals that are in operation using the Inmarsat 4F2 satellite serving the United States. *MSV Letter* at 3. In response, Inmarsat claims that such information is “commercially sensitive” and could “harm” Inmarsat. *Inmarsat Letter* at 3. This is an astonishing claim considering that Inmarsat just last month revealed publicly the number of activated BGAN terminals.⁴ A similar aggregate figure on the number of BGAN terminals that are in operation using the Inmarsat 4F2 satellite serving the United States and nearby geographic areas⁵ would be useful to enable L band operators to assess the potential aggregate interference to their operations. Moreover, since disclosure of only an aggregate number of terminals is required to assess potential interference, there is no need for each Inmarsat distributor to provide the number of terminals it has sold individually. Rather, as a condition of the STA, the Bureau should simply require each Inmarsat distributor to disclose the aggregate number of BGAN terminals in operation using the Inmarsat 4F2 satellite serving the United States and nearby geographic areas, as reported to them by Inmarsat.⁶

³ As with all STAs, the BGAN STAs expressly contain a condition that the STA may be modified at the Bureau’s discretion at any time without a hearing. *See, e.g.,* Stratos Communications, Inc., Request for Special Temporary Authority (BGAN), File No. SES-STA-20060310-00419 (filed March 10, 2006; granted with conditions on May 12, 2006), at Condition No. 8.

⁴ *See MSV Letter* at Exhibit B (attaching excerpts from Inmarsat Group Limited’s Form 6-K filed with the Securities and Exchange Commission (“SEC”) on November 15, 2006, available at: <http://www.sec.gov/Archives/edgar/data/1291398/000119312506235898/0001193125-06-235898-index.htm>)

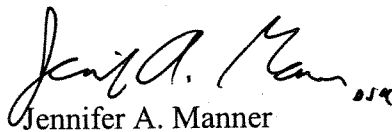
⁵ The nearby geographic areas include areas where BGAN terminals use the same Inmarsat 4F2 beams that serve the United States.

⁶ The Bureau took a similar approach in granting STAs to offer earlier-generation services with Inmarsat 4F2 when it conditioned each grant on the Inmarsat distributor’s submission of a report regarding loaned frequencies which could only be obtained from Inmarsat. *See, e.g., Telenor STA Grant*, File No. SES-STA-20060118-00055 et al (January 18, 2006), at Condition No. 3.

MSV also urged the Bureau to limit the BGAN terminals authorized under these STAs to those terminals that are issued to "first responders," defined as a unit of the Federal Government or any entity that would qualify to hold a license under Section 90.523 of the Commission's rules, which includes State and local government entities as well as certain nongovernmental organizations that provide services to protect the safety of life, health, or property. *MSV Letter* at 3. In response, Inmarsat claims that the definition of "first responder" is too narrow because it does not include "commercial" users. *Inmarsat Letter* at 3. This is entirely appropriate because the only plausible "extraordinary circumstance" that justified grant of the BGAN STAs was the claim that BGAN terminals would be used to support first responders, such as during hurricane season.⁷ Neither Inmarsat nor its distributors have any basis to expect that their STA grants would support continuing service to users other than first responders. Moreover, while Inmarsat weakly claims that MSV's proposed definition of "first responder" would create enforceability problems for Inmarsat's distributors and the Commission, Inmarsat offers no explanation as to how the proposed definition is unclear. In fact, the proposed definition of "first responder" has already been adopted by the Commission. *See* 47 C.F.R. § 90.523. As such, the Commission is already familiar with this definition.

Please contact the undersigned with any questions.

Very truly yours,


Jennifer A. Manner

⁷ *See* 47 U.S.C. § 309(f); 47 C.F.R. § 25.120(b)(1); Consolidated Joint Opposition, File No. SES-STA-20060310-00419 et al (April 6, 2006), at 4. Indeed, the Commission's rules specifically state that "[c]onvenience to the applicant, such as marketing considerations or meeting scheduled customer in-service dates, will not be deemed sufficient" for grant of an STA. *See* 47 C.F.R. § 25.120(b)(1).

Exhibit A

Pending Applications to Provide BGAN Services with Inmarsat 4F2

Applicant	File Number
Stratos Communications Inc.	SES-LFS-20050826-01175 (Call Sign E050249) SES-AMD-20050922-01313 (Call Sign E050249) SES-AMD-20051117-01590 (Call Sign E050249)
Telenor Satellite, Inc.	SES-LFS-20050930-01352 (Call Sign E050276) SES-AMD-20051111-01564 (Call Sign E050276) SES-AMD-20060109-00019 (Call Sign E050276) SES-AMD-20060607-00942 (Call Sign E050276)
FTMSC US, LLC	SES-LFS-20051011-01396 (Call Sign E050284) SES-AMD-20051118-01602 (Call Sign E050284) SES-AMD-20060605-00926 (Call Sign E050284)
MVS USA, Inc.	SES-LFS-20051123-01634 (Call Sign E050348) SES-AMD-20060329-00540 (Call Sign E050348)
BT Americas Inc.	SES-LFS-20060303-00343 (Call Sign E060076) SES-AMD-20060316-00448 (Call Sign E060076)
Thrane and Thrane	SES-LFS-20060522-00852 (Call Sign E060179)

Applications for STA to Provide BGAN Services with Inmarsat 4F2

Applicant	File Number
Stratos Communications Inc.	SES-STA-20061103-01946 (Call Sign E050249)
Telenor Satellite, Inc.	SES-STA-20061027-01898 (Call Sign E050276)
FTMSC US, LLC	SES-STA-20061006-01820 (Call Sign E050284)
MVS USA, Inc.	SES-STA-20061106-01955 (Call Sign E050348)
BT Americas Inc.	SES-STA-20061101-01933 (Call Sign E060076)
Thrane and Thrane	SES-STA-20061019-01868 (Call Sign E060179)

CERTIFICATE OF SERVICE

I, Sylvia Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 18th day of December 2006, served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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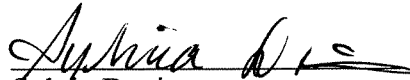
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