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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

**FILED/ACCEPTED
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FEB 22 2007**

In the matter of)
)
MVS USA, Inc.) File No. SES-STA-20070205-00192 (Call Sign E050348)
)

Federal Communications Commission
Office of the Secretary

OPPOSITION TO PETITION TO DENY

MVS USA, Inc. (“MVS USA”) hereby responds to the Petition to Deny filed by MSV in this proceeding, in which MVS USA seeks renewal of special temporary authority (“STA”) to continue providing Inmarsat Broadband Global Area Network (“BGAN”) service. MSV raises no new substantive issues in its Petition to Deny, but rather repeats the same request it has made in opposing the numerous STA applications that have been filed by MVS USA and the other nascent BGAN providers. Specifically, MSV asks the Commission to: (i) adopt conditions sought in MSV’s June 12, 2006 Petition for Clarification; (ii) establish a firm expiration date for the BGAN STA; (iii) require MVS USA to disclose the number of BGAN terminals in operation; and (iv) limit BGAN terminal use to only a subset of emergency responders.

In its prior pleadings responding to the same arguments from MSV, MVS USA has fully answered each of MSV’s requests and has addressed all substantive issues related to this proceeding. MVS USA incorporates those prior pleadings by reference.¹ For the reasons

¹ See Joint Opposition, File Nos. SES-STA-20060310-00419 *et al.* (filed June 19, 2006) (responding to MSV’s June 12, 2006 Petition for Clarification); Joint Letter from BGAN Licensees to Marlene Dortch, FCC, File Nos. SES-LFS-20050826-01175, *et al.* (filed Dec. 6, 2006) (responding to an MSV *ex parte* letter seeking additional conditions on existing STAs); see also Joint Letter from Licensees, Inmarsat, *et al.* to Marlene Dortch, FCC, File Nos. SES-MFS-20051122-01614 *et al.* (Jul. 6, 2006) (responding to MSV’s request to add three conditions to pending applications to communicate with I-4); Joint Letter from the Licensees, Inmarsat, *et al.* (Jul. 6, 2006) (responding to MSV’s letter request that the Commission add conditions to existing conditions to provide Inmarsat services).

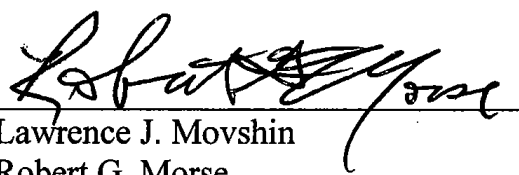
discussed therein, the Commission can and should renew the STA without delay, without adding to, or modifying, the conditions pursuant to which BGAN service is currently provided.

Because the instant application was filed more than sixty days after the last request for extension of the initially filed STA, MSV requests that the Bureau treat this renewal application as an initial application for an STA. In so doing, however, MSV has simply attempted to elevate form over substance in the hopes of getting a different forum in which to air its opposition. As MSV well knows, MVS USA has a regulatory application pending, received a grant of STA in July 2006, timely requested a renewal of the authorization it was granted (which remains pending), and has filed several subsequent renewal applications prior to the expiration of each subsequent 60 day period, although all such applications remain in pending status.² MVS USA has duly operated and provided service to customers consistent with, and remains subject to, the conditions under which its original STA was granted by the Bureau, and here seeks no authority beyond the scope of that originally-granted STA.³ In short, whether the instant application is treated as an appropriate request for extension of existing authority or as a request for new authority when the instant authorization lapses, grant of MVS USA's application is consistent with Section 309(c)(2)(G) of the Act and Sections 25.120(a) and (b)(3) of the Commission's rules, and nothing in the Commission's rules compels the Bureau to determine otherwise.

² MVS USA timely requested its renewal "at least 3 working days prior to the date of ... the expiration date of the existing temporary authorization." *See* 47 C.F.R. § 25.120(a). This and all subsequent renewal requests remain pending. *See* 5 U.S.C. § 558(c) ("When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.").

³ MVS USA has not been apprised of the existence of any actual harmful interference concerns from L-Band or other operators; the company will, of course, cooperate with Inmarsat to address any concerns that may arise in the future.

Respectfully submitted,


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February 22, 2007

CERTIFICATE OF SERVICE

I, Paula Lewis, a secretary with the law firm of Wilkinson Barker Knauer, LLP, hereby certify that on this 22nd day of February 2007, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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