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

In the matter of	)	
	)	
FTMSC US, LLC	)	File No. SES-STA-20070418-00484 (Call Sign E050284)
	)	
Thrane & Thrane Airtime Ltd.	)	File No. SES-STA-20070419-00486 (Call Sign E060179)

COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC

Mobile Satellite Ventures Subsidiary LLC ("MSV") urges the International Bureau ("Bureau") in acting on the above-captioned requests for renewal of Special Temporary Authority ("STA") to operate Broadband Global Area Network ("BGAN") terminals using an uncoordinated Inmarsat satellite, Inmarsat 4F2 at 52.75°W, to (i) adopt conditions consistent with what MSV has requested in a pending Petition for Clarification;[1] and (ii) establish a firm expiration date for these STAs and provide that no further extensions will be granted without Inmarsat having first completed coordination of its new satellite with the North American L band operators. In the event that the Bureau permits these STAs to continue without establishing a firm expiration date, the Bureau should at least (i) require the STA holders to disclose the aggregate number of BGAN terminals that are in operation using the Inmarsat 4F2 satellite serving the United States and nearby geographic areas; and (ii) limit the BGAN terminals authorized under these STAs to those terminals that are issued to "first responders," based on sworn affidavits provided by the STA holders supporting their claims.

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[1] *See* 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)). This Petition is attached hereto as Exhibit A.

Background

On May 12, 2006, the Bureau granted STA requests to five entities to operate BGAN terminals subject to a number of very important and appropriate conditions that are essential to help mitigate the harmful interference to MSV's customers from Inmarsat's uncoordinated BGAN operations.[2] On June 12, 2006, MSV filed the attached Petition for Clarification asking the Bureau to clarify certain of these conditions. *See* Exhibit A. On June 19, 2006, Inmarsat, along with Telenor Satellite Inc., FTMSC US, LLC ("FTMSC"), BT Americas Inc., MVS USA, Inc., and Stratos Communications, Inc. (collectively, the "BGAN Distributors") filed a Joint Opposition to MSV's Petition.[3] MSV filed a Reply to this Opposition on June 29, 2006. *See* Exhibit B.[4] The BGAN Distributors subsequently sought extensions of their original STA grants.

On June 30, 2006, the Bureau granted the request of Thrane & Thrane Airtime Ltd. ("Thrane & Thrane") for an STA to operate 5000 BGAN METs subject to the same conditions imposed on the STAs issued to the BGAN Distributors.[5] Thrane & Thrane subsequently sought extensions of its original STA grant. Thrane & Thrane's STA expires on April 25, 2007. On April 19, 2007, Thrane & Thrane filed the above-referenced extension request.[6]

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[2] *See, e.g.*, Stratos Communications, Inc., Request for Special Temporary Authority, File No. SES-STA-20060310-00419 (filed March 10, 2006; granted with conditions on May 12, 2006).

[3] *See* Inmarsat Ventures Limited et al., Joint Opposition to Petition for Clarification, File No. SES-STA-20060310-00419 et al (June 19, 2006).

[4] *See* Mobile Satellite Ventures Subsidiary LLC, Reply, File No. SES-STA-20060310-00419 et al (June 29, 2006).

[5] *See* Thrane & Thrane Airtime Ltd., Application for STA, File No. SES-STA-20060522-00857 (granted June 30, 2006).

[6] *See* Thrane & Thrane Airtime Ltd., Application for STA, File No. SES-STA-20070419-00486 (Call Sign E060179) (filed April 19, 2007).

On October 24, 2006, the Bureau issued FTMSC a new BGAN STA to reflect its new ownership.[7] FTMSC subsequently sought an extension of its STA grant. FTMSC's STA expires on April 21, 2007. On April 18, 2007, FTMSC filed the above-referenced extension request.[8] In addition, on November 29, 2006, Telenor ASA, the parent corporation of Telenor Satellite Inc. ("Telenor"), which holds an STA for 5000 BGAN terminals, and Inceptum 1 AC ("Inceptum") filed applications to transfer Telenor's Commission authorizations to Inceptum. The applicants explained that, as a result of the contemplated transaction, Telenor and FTMSC would be under common ownership and control. In Comments on the application, MSV urged the Commission to limit the aggregate number of BGAN terminals authorized to Telenor and FTMSC to no more than the 5000 terminals currently authorized.[9] MSV explained that limiting the number of BGAN terminals authorized to Inmarsat's distributors serves the public interest by providing Inmarsat with an incentive to coordinate its Inmarsat 4F2 satellite with MSV and the other L band operators, thereby mitigating interference to their operations.[10] The Telenor/Inceptum transfer of control application is pending.

Discussion

I. The Bureau Should Impose the Conditions MSV Has Requested in Its Pending Petition for Clarification

While the applicants state that they will comply with all conditions on their existing BGAN STA grants, these conditions are insufficient to protect MSV and its customers from

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[7] *See* Application of FTMSC US, LLC, File No. SES-STA-20061006-01820 (Call Sign E050284) (filed October 10, 2006; granted October 24, 2006).

[8] *See* FTMSC US LLC, Application for STA, File No. SES-STA-20070418-00484 (Call Sign E050284) (filed April 18, 2007).

[9] Comments of Mobile Satellite Ventures Subsidiary LLC, IB Docket No. 06-225 et al (January 22, 2007); Reply Comments of Mobile Satellite Ventures Subsidiary LLC, IB Docket No. 06-225 et al (February 6, 2007). MSV incorporates these filings by reference.

[10] *Id.*

harmful interference. MSV urges the Bureau in acting on these applications to adopt clarified conditions, consistent with MSV's pending Petition for Clarification attached hereto as Exhibit A. These clarifications will reduce the potential for harmful interference to MSV and its customers. These customers include important public safety users equipped with MSV terminals for essential communications during hurricane season, including terminals that provide interoperable communications for key government agencies in the hurricane region. Indeed, numerous public safety users have filed letters with the Commission expressing concern with potential interference caused by Inmarsat's uncoordinated operations and expressing support for rebanding of L band spectrum into more contiguous frequency blocks, which will reduce the potential for harmful interference and promote efficient use of spectrum.[11]

[11] *See* 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 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 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 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 City of Orlando Emergency Management to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 24, 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 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 Collier (FL) County Government to Chairman Kevin J. Martin, FCC, File No. SES-LFS-20050826-01175 et al (May 26, 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 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 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 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 L. Scott

Moreover, 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"),[12] MSV currently offers the only satellite-based push-to-talk ("PTT") service in the country today.[13] 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

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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 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 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); 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 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 John M. O'Bannon, III, MD, Delegate, 73rd 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 Steve McCraw, Homeland Security Director, Office of Texas Governor Rick Perry, to Chairman Kevin J. Martin (August 31, 2006); Letter from John Wood, Cameron County Commissioner, Precinct 2, to Chairman Kevin J. Martin (September 5, 2006); Letter from Sheriff Bob Holder, Comal County (TX) Sheriff's Office, to Chairman Kevin J. Martin, File No. SES-LFS-20050826-01175 et al (September 22, 2006); Letter from Kendell Poole, Director of Tennessee Governor's Office of Highway Safety, to Chairman Kevin J. Martin, File No. SES-LFS-20050826-01175 et al (September 25, 2006); Letter from Mike Krusee, Chairman of the Committee on Transportation of the Texas House of Representatives, to Chairman Kevin J. Martin, File No. SES-LFS-20050826-01175 et al (October 19, 2006); Letter from Ron Harris, Collin County (TX) Judge, to Chairman Kevin J. Martin, File No. SES-LFS-20050826-01175 et al (October 30, 2006); Letter from Dr. Daniel D. Canale, Department of Pathology, Baptist Hospital, Nashville, TN, to Chairman Kevin J. Martin, File No. SES-LFS-20050826-01175 et al (November 9, 2006).

[12] *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*").

[13] *See* Comments of Mobile Satellite Ventures Subsidiary LLC, EB Docket No. 06-119 (August 7, 2006).

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 is destroyed. It is precisely this type of critical, interoperable public safety service that is being threatened by Inmarsat's continued operation of uncoordinated satellites and services. Clarification of the conditions imposed on BGAN operations is critical to reduce this threat.

II. The Bureau Should Establish a Firm Expiration Date for these STAs and Provide that No Further Extensions or Renewals Will Be Granted Absent Coordination of the Inmarsat 4F2 Satellite

In acting on these applications, the Bureau should establish a firm expiration date for this STA (as well as the other BGAN STAs) and provide that no further extensions or renewals will be granted without Inmarsat having first completed coordination of its new satellite with the North American L band operators.[14] If the Bureau continues to grant new or renew or extend these and the other existing BGAN STAs without insisting that Inmarsat first complete coordination, there are no reasonable prospects that such coordination will ever be successfully completed. This is especially the case considering that only 7,719 BGAN terminals have been activated *worldwide* in the past year.[15] At this rate, it will be many years before Inmarsat and its

[14] 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.

[15] *See* Exhibit B (attaching excerpts from Inmarsat Group Limited's Form 6-K filed with the U.S. Securities and Exchange Commission ("SEC") on February 27, 2007, available at:

distributors approach the limit of 30,000 BGAN terminals authorized in the United States pursuant to this and other outstanding STAs. Indeed, using Inmarsat's own estimate of 400 new BGAN activations *worldwide* per month, it will be several years before Inmarsat and its distributors approach this limit.[16] Of course, given that the vast majority of BGAN terminals are used only outside of the United States, it will in fact take much longer to approach the limit of 30,000 BGAN terminals.[17] As such, Inmarsat and its distributors have already received authority under existing grants of STA for a sufficient number of BGAN terminals to last several years. The authorization of far more BGAN terminals than Inmarsat and its distributors need for the next several years disserves the public interest by depriving Inmarsat of any incentive to satisfy its obligation to coordinate its Inmarsat 4F2 satellite pursuant to the L band coordination process. 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.

Recognizing this negative impact on the L band coordination process and the potential for interference resulting from operation of the uncoordinated Inmarsat 4F2 satellite, Industry Canada has taken a much more limited approach to the temporary authorization of the BGAN service by permitting the operation of only a very limited number of terminals and for only

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http://www.sec.gov/Archives/edgar/data/1291398/000119312507040636/0001193125-07-040636-index.htm)

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

[17] While MSV is not aware of any publicly available figures on the number of BGAN terminals deployed in the United States (and Inmarsat has failed to provide any such figure in the record of this or any other proceeding), it is safe to assume that only a fraction of the 7,119 BGAN terminals activated worldwide today are used in the United States, a number far less than the 30,000 BGAN terminals authorized for use in the United States pursuant to STA.

critical operations.[18] In so restricting BGAN authority, Industry Canada has explained that "Successful completion of this coordination is essential in order to ensure an interference-free environment for the operation of all valuable satellite services."[19] 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 spectrum and maximize the potential for offering broadband services, which Chairman Martin recently explained is the Commission's top priority.[20]

In the event that the Bureau permits the BGAN STAs to continue without establishing a firm expiration date, the Bureau should at least take the following actions to help mitigate the risk of interference to North American L band operators. First, the Bureau should require the STA holders to disclose the aggregate number of BGAN terminals that are in operation using the Inmarsat 4F2 satellite serving the United States and nearby geographic areas.[21] L band operators can use this information to assess the potential aggregate interference to their operations. Since

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[18] *See, e.g.,* Letter from Chantel Beaumieur, Director, Space and International Regulatory Activities, Industry Canada, to Lieutenant-Colonel J.J. F La Boissonnière, Director Information Management Technologies, Products and Services 5, National Defence Headquarters (September 8, 2006) (authorizing the Canadian National Defence Headquarters to operate two BGAN terminals).

[19] *Id.* at 1 ("Canada's policy for permitting the use of foreign satellites to serve the Canadian market requires that they be successfully coordinated with other satellites through the international coordination process. Successful completion of this coordination is essential in order to ensure an interference-free environment for the operation of all valuable satellite services. At this time, Inmarsat has not completed this coordination for its Inmarsat 4F2 satellite located at the 52.75°W.L. orbital position. . . . Accordingly, until the coordination status of the Inmarsat satellite has changed, Industry Canada will not authorize Canadian service providers to provide Inmarsat's BGAN service in Canada.").

[20] *See* Remarks of FCC Chairman Kevin J. Martin, Imagining the Digital Healthcare Future in the Rural West, Montana State University – Bozeman (July 7, 2006).

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

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 or operated individually. Rather, as a condition of these STAs, the Bureau should simply require the STA holder 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.[22] Second, until coordination is completed, the Bureau should limit the BGAN terminals authorized under these STAs to those terminals that are issued to "first responders,"[23] based on sworn affidavits provided by the STA holders supporting their claims. 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.[24] Neither Inmarsat nor its distributors have any basis to expect that their STA grants would support continuing service to users other than first responders.

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[22] The Bureau took a similar approach in granting STAs to offer earlier-generation services with the uncoordinated Inmarsat 4F2 satellite 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.

[23] The Bureau should define a "first responder" 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. *See* 47 C.F.R. § 90.523 (providing that State or local government entities and certain nongovernmental organizations that provide services, the sole or principal purpose of which is to protect the safety of life, health, or property, as well as satisfy other criteria, may qualify to hold certain licenses).

[24] *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).

Conclusion

MSV urges the Bureau to protect the existing and reliable services MSV currently provides to public safety users by (i) adopting conditions consistent with what MSV has requested in its pending Petition for Clarification; and (ii) establishing a firm expiration date for these STAs and provide that no further extensions or renewals will be granted without Inmarsat having first completed coordination of its new satellite with the North American L band operators.

Respectfully submitted,

Bruce D. Jacobs
David S. Konczal
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, NW
Washington, DC 20037-1128
(202) 663-8000

Jennifer A. Manner
Vice President, Regulatory Affairs
MOBILE SATELLITE VENTURES SUBSIDIARY LLC
10802 Parkridge Boulevard
Reston, Virginia 20191
(703) 390-2700

Dated: April 20, 2007

Exhibit A

Mobile Satellite Ventures Subsidiary LLC, Petition for Clarification, File No. SES-STA-20060310-00419 et al (June 12, 2006)

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

In the matter of	)	
	)	
Stratos Communications, Inc.	)	File No. SES-STA-20060310-00419 (Call Sign E050249)
	)	
Telenor Satellite, Inc.	)	File No. SES-STA-20060313-00430 (Call Sign E050276)
	)	
FTMSC US LLC	)	File No. SES-STA-20060314-00438 (Call Sign E050284)
	)	
BT Americas, Inc.	)	File No. SES-STA-20060315-00445 (Call Sign E060076)
	)	
MVS USA Inc.	)	File No. SES-STA-20060316-00454 (Call Sign E050348)

PETITION FOR CLARIFICATION

Mobile Satellite Ventures Subsidiary LLC ("MSV"), pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, hereby files this Petition for Clarification of the International Bureau's ("Bureau") May 12, 2006 decision granting the above-referenced requests for Special Temporary Authority ("STA") to operate Broadband Global Area Network ("BGAN") terminals using an uncoordinated Inmarsat satellite, Inmarsat 4F2 at 52.75°W. The Bureau's decision contains a number of very important and appropriate conditions that are essential to help mitigate the harmful interference that will result to customers of other L band Mobile Satellite Service ("MSS") operators once Inmarsat begins its uncoordinated BGAN operations. On May 26, 2006, prior to the deadline for filing Petitions for Clarification or Reconsideration of the decisions granting the BGAN STAs,[1] MSV filed the attached letter asking that the Bureau clarify certain of these conditions to improve their effectiveness. *See* Exhibit A. MSV hereby requests that the Bureau treat the attached letter and the clarifications requested therein as a Petition for Clarification of the Bureau's decisions granting the above-referenced

[1] The deadline for filing Petitions for Clarification or Reconsideration of the grant of the BGAN STAs is today, June 12, 2006. *See* 47 C.F.R. § 1.106(f).

STA requests. 47 C.F.R. § 1.106. A copy of this Petition has been served on the parties to the above-referenced proceedings. *Id.*

Respectfully submitted,

Bruce D. Jacobs
David S. Konczal
PILLSBURY WINTHROP
SHAW PITTMAN LLP
2300 N Street, NW
Washington, DC 20037-1128
(202) 663-8000

Jennifer A. Manner
Vice President, Regulatory Affairs
MOBILE SATELLITE VENTURES
SUBSIDIARY LLC
10802 Parkridge Boulevard
Reston, Virginia 20191
(703) 390-2700

Dated: June 12, 2006

Exhibit A

MSV
Mobile Satellite Ventures LP

RECEIPT COPY

Jennifer A. Manner
Vice President, Regulatory Affairs

PHONE: 703 390-2730
FAX: 703 390-2770
EMAIL: jmanner@msvlp.com

May 26, 2006

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

RECEIVED

MAY 26 2006

Federal Communications Commission
Office of Secretary

Re: **Mobile Satellite Ventures LP**
***Ex Parte* Presentation**
File No. SES-STA-20060310-00419 (Call Sign E050249)
File No. SES-STA-20060313-00430 (Call Sign E050276)
File No. SES-STA-20060314-00438 (Call Sign E050284)
File No. SES-STA-20060315-00445 (Call Sign E060076)
File No. SES-STA-20060316-00454 (Call Sign E050348)

Dear Ms. Dortch:

The May 12, 2006 decisions granting the above-captioned requests for Special Temporary Authority ("STA") to operate Broadband Global Area Network ("BGAN") terminals using an uncoordinated Inmarsat satellite, Inmarsat 4F2 at 52.75°W, contain a number of very important and appropriate conditions that are essential to help mitigate the harmful interference that will result to customers of other L band Mobile Satellite Service ("MSS") operators once Inmarsat begins its uncoordinated BGAN operations. Mobile Satellite Ventures Subsidiary LLC ("MSV") requests that the International Bureau clarify certain of these conditions to improve their effectiveness.

Condition 1. The May 12th decisions require the "downlink EIRP densities" at any geographical point within the United States to not exceed the levels previously authorized in connection with operations of the Inmarsat 3F4 satellite. As it did in limiting the aggregate uplink EIRP density, the Bureau should specify that the downlink EIRP limit is an aggregate limit. The Bureau should also clarify that the aggregate uplink and aggregate downlink EIRP density limits specified in Condition 1 apply in the aggregate to all Inmarsat satellites visible over North America. The condition as written appears to address only the emissions contributed by Inmarsat 4F2 to the aggregate emissions from all of Inmarsat satellites operating over North America. At least some of the frequencies used on the Inmarsat 4F2 at 52.75°W, however, are reused by Inmarsat on its other satellites visible over North America, which operate at 15.5°W, 98°W, 142°W, 143°E, and 178°E. The Bureau should make clear that the aggregate uplink and aggregate downlink EIRP densities from all Inmarsat satellites, including Inmarsat 4F2, must not exceed the level that existed before launch of Inmarsat 4F2.

Conditions 2 and 5. The May 12th decisions impose conditions on Inmarsat's service providers which should apply to Inmarsat as well. In Condition 2, the Bureau specified that BGAN operations are permitted only on a strictly unprotected basis. Because MSV has no means of determining which of the Inmarsat BGAN service providers may be responsible for causing interference to MSV's operations, we urge the Bureau to make clear that upon MSV's notice to Inmarsat of interference, Inmarsat and its service providers are jointly and severally responsible for taking immediate action to rectify any interference. In Condition 5, the Bureau explained that any action taken or expense incurred as a result of operations pursuant to this STA by a BGAN service provider is solely at the service provider's own risk. MSV urges the Bureau to similarly explain that any action taken or expense incurred by Inmarsat as a result of operations pursuant to this STA is solely at its own risk.

Condition 3. The May 12th decisions prohibit the STA holders from operating on certain disputed frequencies. The STA holders, however, do not have access to the specific frequencies covered by this condition. To ensure that the STA holders comply with this condition, MSV urges the Bureau to require each of the STA holders to submit a certification from Inmarsat declaring that Inmarsat has not and will not assign any unauthorized frequencies for operation of the earth stations covered by the STA.

Condition 4. The May 12th decisions require "adequate guard bands" to be provided between the band edges of the carriers used by the BGAN service provider and the band edges of MSV's operations to preclude the possibility of unacceptable interference to MSV's operations. Rather than relying on Inmarsat to determine what constitutes an "adequate guard band," the Bureau should specify a guard band of at least 50 kHz between the band edges of the carriers used by the BGAN service provider and the band edges of MSV's coordinated frequencies. This specification is essential because MSV has already suffered interference from Inmarsat's assignment of inadequate guard bands on other Inmarsat wideband carriers. Based on MSV's initial observation of experimental BGAN signals, a guard band of at least 50 kHz is needed to limit interference to MSV's narrowband carriers to the levels accepted under the Operators' Agreements developed pursuant to the *Mexico City MOU*. While MSV may discover during the course of coordination or from operations pursuant to these STAs that a different guard band is required to protect MSV, specification of a 50 kHz minimum guard band now in advance of coordination will reduce the material risk of harmful interference to MSV's customers while still enabling BGAN service. Moreover, because BGAN operations are permitted only on a strictly unprotected basis, the Bureau should also clarify that the 50 MHz guard band must lie entirely within Inmarsat's coordinated frequency assignments and may not lie within the frequencies coordinated for MSV or MSV Canada.

Conditions 6, 7, and 10. In Conditions 6, 7, and 10, the May 12th decisions explain that grant of the STA (i) is not based on a finding, and is without prejudice to any future determination the Commission may make, that Inmarsat's L band operations are consistent with operation on a non-interference basis, and (ii) is without prejudice to disposition of the pending applications for permanent authority to operate BGAN terminals. Consistent with these conditions, the Bureau should also explain that it expects Inmarsat to diligently conclude coordination of its Inmarsat 4F2 satellite with respect to the current and planned operations of

MSV and MSV Canada before it can make a definitive determination that operation of the Inmarsat 4F2 satellite will not result in unacceptable interference and before it can grant the pending applications for permanent authority.

Please contact the undersigned with any questions.

Very truly yours,

Jennifer A. Manner

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 26th day of May 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

Roderick Porter*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Gardner Foster*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

James Ball*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Cassandra Thomas*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Karl Kensinger*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Fern Jarmulnek*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Robert Nelson*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Andrea Kelly*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Scott Kotler*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Stephen Duall*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Alfred M. Mamlet
Steptoe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036

Counsel for Stratos Communications, Inc.

Keith H. Fagan
Telenor Satellite, Inc.
1101 Wootton Parkway
10th Floor
Rockville, MD 20852

Diane J. Cornell
Vice President, Government Affairs
Inmarsat, Inc.
1100 Wilson Blvd, Suite 1425
Arlington, VA 22209

John P. Janka
Jeffrey A. Marks
Latham & Watkins LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004

William K. Coulter
DLA Piper Rudnick Gray Cary US LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036-2412

Counsel for FTMSC US, LLC

Linda J. Cicco
BT Americas Inc.
11440 Commerce Park Drive
Reston, VA 20191

Lawrence J. Movshin
Stephen L. Goodman
Lee J. Rosen
Wilkinson Barker Knauer, LLP
2300 N St. NW, Suite 700
Washington, DC 20037

Counsel for MVS USA, Inc.

Sylvia A. Davis

*By hand delivery

Technical Certification

I, Richard O. Evans, Senior Engineer of Mobile Satellite Ventures Subsidiary LLC, certify under penalty of perjury that:

I am the technically qualified person with overall responsibility for the technical information contained in the foregoing. I am familiar with the Commission's rules, and the information contained in the foregoing is true and correct to the best of my knowledge and belief.

Richard O. Evans

Richard O. Evans

Dated: June 12, 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 12th day of June 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

Roderick Porter*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

James Ball*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Karl Kensinger*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Robert Nelson*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Andrea Kelly*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Stephen Duall*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Keith H. Fagan
Telenor Satellite, Inc.
1101 Wootton Parkway
10th Floor
Rockville, MD 20852

Gardner Foster*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Cassandra Thomas*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Fern Jarmulnek*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Scott Kotler*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Alfred M. Mamlet
Steptoe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036

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Vice President, Government Affairs
Inmarsat, Inc.
1100 Wilson Blvd, Suite 1425
Arlington, VA 22209

John P. Janka
Jeffrey A. Marks
Latham & Watkins LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004

William K. Coulter
DLA Piper Rudnick Gray Cary US LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036-2412

Counsel for FTMSC US, LLC

Linda J. Cicco
BT Americas Inc.
11440 Commerce Park Drive
Reston, VA 20191

Lawrence J. Movshin
Stephen L. Goodman
Lee J. Rosen
Wilkinson Barker Knauer, LLP
2300 N St. NW, Suite 700
Washington, DC 20037

Counsel for MVS USA, Inc.

Sylvia A. Davis

*By hand delivery

Exhibit B

Mobile Satellite Ventures Subsidiary LLC, Reply,
File No. SES-STA-20060310-00419 et al (June 29, 2006)

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

In the matter of	)	
	)	
Stratos Communications, Inc.	)	File No. SES-STA-20060310-00419 (Call Sign E050249)
	)	
Telenor Satellite, Inc.	)	File No. SES-STA-20060313-00430 (Call Sign E050276)
	)	
FTMSC US LLC	)	File No. SES-STA-20060314-00438 (Call Sign E050284)
	)	
BT Americas, Inc.	)	File No. SES-STA-20060315-00445 (Call Sign E060076)
	)	
MVS USA Inc.	)	File No. SES-STA-20060316-00454 (Call Sign E050348)

REPLY TO OPPOSITION TO PETITION FOR CLARIFICATION

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby submits this Reply to the Opposition to its Petition for Clarification of the International Bureau's ("Bureau") May 12, 2006 decision granting the above-referenced requests for Special Temporary Authority ("STA") to operate Broadband Global Area Network ("BGAN") terminals using an uncoordinated Inmarsat satellite, Inmarsat 4F2 at 52.75°W.

In its Petition, MSV asked the Bureau to clarify some of the conditions imposed on the grants of the STA requests intended to help mitigate the harmful interference that will result to MSV's customers from Inmarsat's uncoordinated BGAN operations.[1] On June 19, 2006, Inmarsat Ventures Limited ("Inmarsat"), along with Telenor Satellite Inc., FTMSC US, LLC, BT Americas Inc., MVS USA, Inc., and Stratos Communications, Inc. (collectively, the "BGAN

[1] *See* Mobile Satellite Ventures Subsidiary LLC, Petition for Clarification, File No. SES-STA-20060310-00419 et al (June 12, 2006) ("*MSV Petition*") (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) at Exhibit A).

Distributors") filed a Joint Opposition to MSV's Petition.[2] As discussed herein, their objections to MSV's requested clarifications are baseless.

Condition 1. MSV requested that the Commission clarify that the condition limiting the "downlink EIRP densities" to a certain level is an aggregate limit. *MSV Petition*, Exhibit A at 1. Inmarsat concedes that this is an aggregate limit. *Inmarsat et al Opposition* at 2. As such, the Bureau should clarify this condition as requested. MSV, however, is concerned by Inmarsat's statement that an aggregate downlink EIRP limit is not necessary because Inmarsat will not illuminate a given geographic area with more than one co-frequency carrier as this would cause self-interference. *Id.* This statement demonstrates a fundamental and disturbing misunderstanding of the condition imposed by the Bureau, which warrants further clarification. The Bureau's intent in establishing an "aggregate" downlink EIRP density limit is to cap the EIRP coming down from a beam or beams used on Inmarsat 4F2, regardless of whether the beams cover the United States or whether the energy is transmitted via the skirt of the main lobe or the sidelobes of a number of beams that spill energy over the United States. Our understanding of the Bureau's condition is that it is intended to ensure that the narrow spot beams on Inmarsat 4F2 that reuse the frequencies coordinated for MSAT-1 and MSAT-2 outside of North America limit their aggregate co-channel reuse interference toward the coverage area of MSAT-1 and MSAT-2 to the levels coordinated for the Inmarsat 3F4 satellite at 54°W. The Bureau should promptly correct Inmarsat's misunderstanding to avoid interference to the operations of other L band MSS operators.

MSV also requested that the Bureau clarify that the aggregate uplink and aggregate downlink EIRP densities from all of Inmarsat's satellites, including Inmarsat 4F2, must not

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[2] *See* Inmarsat Ventures Limited et al., Joint Opposition to Petition for Clarification, File No. SES-STA-20060310-00419 et al (June 19, 2006) ("*Inmarsat et al Opposition*").

exceed the level that existed before the launch of Inmarsat 4F2. *MSV Petition*, Exhibit A at 1. Inmarsat avoids this issue by stating that the STAs pertain only to BGAN service and only to the Inmarsat 4F2 satellite. Thus, according to Inmarsat, there is no basis for extending limits to satellites that are not the subject of the STA requests. *Inmarsat et al Opposition* at 3. This clarification, however, is essential to ensure that operation of the uncoordinated Inmarsat 4F2 satellite does not result in interference to other L band operators. Inmarsat has proceeded to operate its new Inmarsat 4F2 satellite as well as other satellites in the United States without coordinating those satellites first with other L band operators.[3] Had Inmarsat coordinated these satellites with MSV, agreements would have been made to ensure that MSV would be protected from emissions from Inmarsat 4F2 as well as from the aggregate emissions from all of Inmarsat's other satellites operating over North America. Having failed to coordinate its satellites, Inmarsat cannot complain now if the Bureau attaches a condition intended to ensure that MSV is protected from interference from aggregate emissions of all of Inmarsat's coordinated and uncoordinated satellites.[4]

Conditions 2 and 5. MSV asked the Bureau to make clear that Inmarsat and the BGAN Distributors are jointly and severally responsible for immediately rectifying any interference caused by BGAN operations. *MSV Petition*, Exhibit A at 2. In addition, MSV asked the Bureau to explain that any action taken or expense incurred by Inmarsat as a result of operations pursuant to this STA is solely at Inmarsat's own risk. *Id.* In response, Inmarsat states that it has "ample incentive" to ensure that the BGAN Distributors comply with the STA conditions.

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[3] Inmarsat is operating uncoordinated satellites at 52.75°W, 98°W, 142°W, and 143.5°E.

[4] While Inmarsat complains that the Bureau never imposed an aggregate EIRP density limit on the operations of MSV-1 and MSV-SA, Inmarsat never requested such a limit. In fact, Inmarsat never raised any objections to MSV's applications to operate MSV-1 and MSV-SA. The Bureau cannot be faulted for failing to adopt an interference limit when there was no record evidence to support such a limit. In any event, MSV has since surrendered its license for the MSV-SA satellite.

Inmarsat et al Opposition at 3-4. As the operator of the satellite used for BGAN service, Inmarsat's own compliance with the STA conditions, especially the obligation to take immediate action to rectify any interference, is essential to help mitigate the harmful interference from uncoordinated BGAN operations. Given that Inmarsat has "ample incentive" to help the BGAN Distributors comply with these conditions, it will not be burdened should the Bureau clarify that Conditions 2 and 5 apply to Inmarsat as well.

Condition 3. MSV urged the Bureau to require each of the BGAN Distributors to submit a certification from Inmarsat declaring that Inmarsat has not and will not assign any unauthorized frequencies for operation of the earth stations covered by the STA. *MSV Petition*, Exhibit A at 2. Once again, Inmarsat claims that it has "every incentive" to ensure that the BGAN Distributors comply with this condition. *Inmarsat et al Opposition* at 4. As such, Inmarsat should have no concern with providing the BGAN Distributors with such a certification. Requiring such a certification will provide needed assurance to the Bureau, MSV, and the BGAN Distributors that Inmarsat is complying with this condition. There is precedent for such a requirement. For example, an applicant for a Fixed Satellite Service ("FSS") earth station that does not conform with the Commission's rules must submit with its application certifications from the operators of the satellites with which it intends to communicate demonstrating that all affected satellite operators have taken the non-routine operations into account in their coordination negotiations. 47 C.F.R. § 25.220. In adopting this requirement, the Commission explained that "since the earth station operator will be a customer of the target satellite operator, the target satellite operator has an incentive to obtain the certifications."[5]

[5] *See Fifth Report and Order*, 20 FCC Rcd 5666, ¶ 50 (March 15, 2005).

Condition 4. MSV requested that the Bureau specify a guard band of at least 50 kHz between the band edges of the carriers used by the BGAN service provider and the band edges of MSV's coordinated frequencies to mitigate harmful interference to MSV. *MSV Petition*, Exhibit A at 2. Inmarsat claims that this condition is unwarranted because it is unclear that 50 kHz is the appropriate guard band size. *Inmarsat et al Opposition* at 4-5. The fact is that BGAN operations are permitted only on a strictly non-interference and unprotected basis. As MSV explained in its Petition, its initial observation of experimental BGAN signals revealed that a *minimum* 50 kHz guard band is needed to protect MSV from interference. *MSV Petition*, Exhibit A at 2. While real world experience may demonstrate that a larger guard band is needed, specification of a 50 kHz guard band now in advance of coordination is a reasonable means to help mitigate harmful interference to MSV's customers. Inmarsat also complains that MSV is trying to "shift the entire operational burden of coordination to Inmarsat." *Inmarsat et al Opposition* at 5. Of course, MSV's request is not a substitute for coordination. The conditions attached to the STAs are temporary measures to minimize interference in the absence of a coordination agreement. Once Inmarsat takes the necessary steps to complete coordination of its satellite with MSV, the size and location of any guardbands can be determined more precisely.

Conditions 6, 7, and 10. MSV also urged the Bureau to explain that it expects Inmarsat to diligently conclude coordination of its Inmarsat 4F2 satellite with respect to the current and planned operations of MSV and MSV Canada before it can make a definitive determination that operation of the Inmarsat 4F2 satellite will not result in unacceptable interference and before it can grant the pending applications for full BGAN authority. *MSV Petition*, Exhibit A at 2-3. In response, Inmarsat claims that this condition is inappropriate because Inmarsat 4F2 is operating within the technical envelope coordinated with MSV. *Inmarsat et al Opposition* at 6. In fact,

this "technical envelope" simply does not exist because Inmarsat has not diligently coordinated all of its operations in order to establish such an envelope. The fact is that the key technical parameters of Inmarsat 4F2 used to support BGAN services, such as its proposed use of loaned frequencies, increased number of co-channel reuse beams, higher aggregate EIRP, and wideband carriers, have not been previously coordinated, thus making operation of Inmarsat 4F2 on a non-harmful interference basis relative to other L band systems unlikely.[6] Inmarsat also contends that this condition is unfair because it provides MSV with "sole control" over whether the Commission will ever grant full authority for BGAN service. *Inmarsat et al Opposition* at 6. MSV, however, has been and continues to be ready and willing to coordinate with Inmarsat. If the parties commit to making a good faith effort to complete a comprehensive regional coordination agreement, MSV's view is that coordination can be completed in a matter of a few months. Inmarsat next argues that completion of coordination is not a condition precedent to issuance of an authorization to provide MSS. *Inmarsat et al Opposition* at 6. In fact, the Bureau requires prior coordination unless there is a reasonable basis to conclude that harmful interference will not occur in the absence of international coordination. The Bureau will not authorize uncoordinated satellites or services when there is evidence that harmful interference might occur, as in the case of Inmarsat 4F2.[7] Inmarsat also claims that such a condition is inconsistent with how the Bureau treated MSV in granting it licenses for its next-generation satellites. *Inmarsat et al Opposition* at 6. In those cases, however, no entity claimed that these satellites would cause harmful interference. It was thus entirely reasonable for the Bureau to

[6] *See, e.g.*, Mobile Satellite Ventures Subsidiary LLC, Petition to Hold in Abeyance, File No. SES-LFS-20060303-00343, File No. SES-AMD-20060316-00448 (Call Sign E060076) (April 14, 2006), at 14-19. MSV incorporates this filing by reference.

[7] *See* Letter from Thomas S. Tycz, FCC, to Joseph A. Godles, Counsel for PanAmSat, File No. SAT-STA-19980902-00057 (September 15, 1998); *Loral Orion Services, Inc., Order and Authorization*, DA 99-2222, 14 FCC Rcd 17665, ¶ 10 (October 18, 1999); *BT North America Inc., Order*, DA 00-162, 15 FCC Rcd 15602 (February 1, 2000).

license these satellites in advance of coordination. Conversely, in the case of the Inmarsat 4F2 satellite, its proposed use of loaned frequencies, as well as its wider bandwidth carriers, higher aggregate EIRP, and greater number of co-channel reuse beams relative to any satellite Inmarsat has operated previously means that harmful interference will occur absent prior coordination. In addition, MSV's next-generation satellite is years away from launch, making it reasonable for the Bureau to conclude that any interference issues will be resolved through coordination prior to actual operation. Conversely, an earth station application such as that presented here is fundamentally different because it means that operation of the uncoordinated Inmarsat 4F2 satellite and the resulting harmful interference are imminent. Moreover, in granting the MSV-1 and MSV-SA licenses, the Bureau specifically stated that an authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination with other Administrations.[8]

[8] *See Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-1492 (May 23, 2005) ("*MSV-1 Order*"), at ¶ 79; *Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, DA 05-50 (January 10, 2005) ("*MSV-SA Order*"), at ¶ 58. MSV has since surrendered its license for the MSV-SA satellite.

Conclusion

MSV requests that the Bureau adopt MSV's requested clarifications to the conditions imposed on the STAs granted for BGAN operations in the United States to improve their effectiveness in mitigating harmful interference to other L band operators.

Respectfully submitted,

Bruce D. Jacobs
David S. Konczal
PILLSBURY WINTHROP
SHAW PITTMAN LLP
2300 N Street, NW
Washington, DC 20037-1128
(202) 663-8000

Jennifer A. Manner
Vice President, Regulatory Affairs
MOBILE SATELLITE VENTURES
SUBSIDIARY LLC
10802 Parkridge Boulevard
Reston, Virginia 20191
(703) 390-2700

Dated: June 29, 2006

Technical Certification

I, Richard O. Evans of Mobile Satellite Ventures Subsidiary LLC, certify under penalty of perjury that:

I am the technically qualified person with overall responsibility for the technical information contained in this Reply. I am familiar with the Commission's rules; and the information contained in the Reply is true and correct to the best of my knowledge and belief.

Richard O. Evans

Dated: June 29, 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 29th day of June 2006, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

Roderick Porter*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

James Ball*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Karl Kensinger*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Robert Nelson*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Andrea Kelly*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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International Bureau
Federal Communications Commission
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1101 Wootton Parkway
10th Floor
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Washington, DC 20554

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International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Fern Jarmulnek*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Scott Kotler*
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Alfred M. Mamlet
Steptoe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036

Counsel for Stratos Communications, Inc.

Diane J. Cornell
Vice President, Government Affairs
Inmarsat, Inc.
1100 Wilson Blvd, Suite 1425
Arlington, VA 22209

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Jeffrey A. Marks
Latham & Watkins LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004

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1200 Nineteenth Street, N.W.
Washington, DC 20036-2412

Counsel for FTMSC US, LLC

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Reston, VA 20191

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Stephen L. Goodman
Lee J. Rosen
Wilkinson Barker Knauer, LLP
2300 N St. NW, Suite 700
Washington, DC 20037

Counsel for MVS USA, Inc.

Sylvia A. Davis

*By electronic mail

Exhibit C

6-K 1 d6k.htm FORM 6-K

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM 6-K

REPORT OF FOREIGN PRIVATE ISSUER

Pursuant to Rule 13a-16 or 15d-16 of
the Securities Exchange Act of 1934

February 27, 2007

333-115865-06

Inmarsat Group Limited

(Exact name of Registrant as specified in its charter)

Inmarsat Group Limited

(Translation of Registrant's name into English)

England and Wales
(Jurisdiction of incorporation or organization)

99 City Road, London
United Kingdom, EC1Y 1AX
(Address of principal executive office)

333-115865-06

Inmarsat Finance plc

(Exact name of Registrant as specified in its charter)

Inmarsat Finance plc

(Translation of Registrant's name into English)

England and Wales
(Jurisdiction of incorporation or organization)

99 City Road, London
United Kingdom, EC1Y 1AX
(Address of principal executive office)

333-115865

Indicate by check mark whether the Registrant files or will file annual reports under cover Form 20-F or Form 40-F.

20-F ☒ 40-F ☐

Indicate by check mark whether the Registrant is submitting the Form 6-K in paper as permitted by Regulation S-T Rule 101(b) (1):-

Indicate by check mark whether the Registrant is submitting the Form 6-K in paper as permitted by Regulation S-T Rule 101(b) (7):-

Indicate by check mark whether by furnishing the information contained in this Form, the registrant is also thereby furnishing the information to the Commission pursuant to Rule 12g3-2(b) under the Securities Exchange Act of 1934.

Yes ☐ No ☒

If "Yes" is marked, indicate below the file number assigned to the registrant in connection with Rule 12g3-2(b): 82-

Revenues

Revenues for 2006 were $500.1m, an increase of $9.0m, or 1.8%, compared with 2005. Revenues excluding subsidiaries disposed of increased by 4.4%, from $479.2m to $500.1m.

The table below sets out the components of our total revenue for each of the periods under review.

	2006 (unaudited)	2005 (audited)	Increase/ (decrease)
	(US$ in millions)		%
Revenues			
Maritime sector:			
voice services	100.9	102.0	(1.1)
data services	183.8	165.1	11.3
Total maritime sector	**284.7**	**267.1**	**6.6**
Land sector:			
voice services	19.2	23.6	(18.6)
data services	96.9	98.2	(1.3)
Total land sector	**116.1**	**121.8**	**(4.7)**
Aeronautical sector	30.7	22.7	35.2
Leasing (incl. navigation)	60.3	60.9	(1.0)
Total mobile satellite communications services	**491.8**	**472.5**	**4.1**
Subsidiaries disposed of in 2005	—	11.9	
Other income	8.3	6.7	23.9
Total revenue	**500.1**	**491.1**	**1.8**

('000s)	2006	2005
Active terminals (1) (2)		
Maritime	139.5	122.6
Land	80.8	76.9
Aeronautical	7.7	6.8
Total active terminals	**228.0**	**206.3**

(1) Active terminals are the number of subscribers (R-BGAN and BGAN) or terminals that have been used to access commercial services at any time during the preceding twelve-month period (other services except handheld) registered as at 31 December. Active handheld terminals are the average number of terminals active on a daily basis during the period.

(2) Active terminals as at 31 December 2006 include 9,922 ACeS terminals and 7,119 BGAN subscribers (as at 31 December 2005: nil and nil, respectively). The average daily active number of handheld SIM cards was 13,904.

During 2006, revenues from mobile satellite communication services were $491.8m, an increase of $19.3m, or 4[illegible]%, compared with 2005. Growth has been strong as a result of continued success in services such as Fleet and Swift 64; the launch of BGAN in December 2005; and we have additionally seen a revenue contribution from

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 20th day of April 2007, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

John P. Janka
Jeffrey A. Marks
Latham & Watkins LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004

Bruce H. Turnbull
David J. Taylor
Weil, Gotshal & Manges LLP
1300 Eye Street, NW
Suite 900
Washington, DC 20005

Counsel for FTMSC US, LLC

Henrik Norrelykke
Thrane & Thrane Airtime Ltd.
509 Viking Drive
Suites K, L & M
Virginia Beach, VA 23452

Diane J. Cornell
Vice President, Government Affairs
Inmarsat, Inc.
1100 Wilson Blvd, Suite 1425
Arlington, VA 22209

Eric Fishman
Holland & Knight LLP
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006

Counsel for Thrane & Thrane Airtime Ltd.

Sylvia A. Davis