

In its Opposition, Inmarsat claims that the Bureau should grant the STA because completion of coordination is not a condition precedent to issuance of an authorization to provide service. *Inmarsat Opposition* at 3. However, this is only the case when 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 3F4 at 142°W.³ Inmarsat notes that the Bureau did not require completion of coordination as a condition precedent to the grant of MSV's application to operate a new L-Band MSS satellite at 63.5°W. *Inmarsat Opposition* at 3. In that case, however, no entity claimed that the satellites would cause harmful interference. It was thus entirely reasonable for the Bureau to license the satellites in advance of coordination.

Moreover, as MSV explained in its Petition, the Inmarsat 3F4 satellite is materially different than the Inmarsat-2 satellite it replaced, and is more likely both to cause interference to and to suffer interference from other L band systems relative to the Inmarsat-2 satellite.⁴ In addition, unlike the Inmarsat 3F4 satellite, MSV's next-generation satellite, which was to be located at 63.5°W, was years away from launch when the Bureau's Order was issued, making it reasonable for the Bureau to conclude that any interference issues would be resolved through coordination prior to actual operation. Also, in granting MSV licenses for its next-generation satellites, the Bureau specifically stated that an authorization for which coordination has not been

³ 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).

⁴ See MSV Petition at 2. Among other things, MSV pointed out that the Inmarsat 2 satellite at 142°W has a global beam and has a higher aggregate EIRP than the Inmarsat 2 satellite, greatly increasing the possibility of creating harmful interference.

completed may be subject to additional terms and conditions as required to effect coordination with other Administrations.⁵

In addition, the *Deere Opposition* fails to demonstrate any “extraordinary circumstances” to justify a grant of the STA request. Deere discusses the alleged benefits of its “GreenStar system” and summarily concludes that the “STA is necessary [at this time] to immediately begin a commercial deployment of the enhanced service.” *Deere Opposition* at 4. However, Deere fails to point out that its initial experimental STA expired more than a year ago⁶ and Deere provides no explanation for why it has waited more than a year to file the instant STA request. Because Deere does not claim that the delay in filing its current request was due to “circumstances beyond [its] control,”⁷ the STA request should be denied.

Deere concedes in its Opposition that the conditions included as part of its prior STA grant are appropriate in the event the instant STA request is granted.⁸ However, while Deere and Inmarsat deny that any additional condition or clarifications are necessary, they fail to refute MSV’s argument that the conditions and requested clarifications are essential to mitigate the harmful interference that will otherwise result to MSV’s customers. In fact, as MSV has demonstrated previously, a grant of the STA application must include the requested conditions to ensure that such interference does not occur.⁹

⁵ 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), at ¶ 58. MSV has since surrendered its license for the MSV-SA satellite.

⁶ See *Deere & Company*, File No. SES-STA-20060605-00922 (granted August 7, 2006; expired September 13, 2006).

⁷ See 47 C.F.R. § 25.120(b)(1); see also *Public Notice*, DA 87-1311 (September 25, 1987).

⁸ See *Deere Opposition* at 4.

⁹ See, e.g., *Mobile Satellite Ventures Subsidiary LLC, Reply*, File No. SES-STA-20060310-00419 *et al.* (June 29, 2006); *Mobile Satellite Ventures Subsidiary LLC, Petition for Clarification*, File No. SES-STA-

Conclusion

In light of the foregoing, MSV urges the Bureau to act consistently with the views expressed herein.

Respectfully submitted,



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20060310-00419 *et al.* (June 12, 2006); Mobile Satellite Ventures Subsidiary LLC, Reply, File No. SES-STA-20060310-00419 *et al.* (June 29, 2006); 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); Letter from Jennifer A. Manner, Mobile Satellite Ventures Subsidiary LLC, to Ms. Marlene H. Dortch, FCC, File No. SES-LFS-20050826-01175 *et al.* (December 18, 2006); Letter from Jennifer A. Manner, MSV, to Mr. John Giusti and Mr. Julius Knapp, FCC (June 20, 2006); Letter from Jennifer A. Manner, MSV, to Ms. Marlene H. Dortch, FCC, File No. SES-MFS-20051122-01614 *et al.* (June 20, 2006); Letter from Jennifer A. Manner, MSV, to Mr. John Giusti and Mr. Julius Knapp, FCC (July 18, 2006); Letter from Jennifer A. Manner, MSV, to Ms. Marlene H. Dortch, FCC, File No. SES-MFS-20051122-01614 *et al.* (July 18, 2006).

CERTIFICATE OF SERVICE

I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on October 29th, 2007, a true copy of the foregoing "REPLY" was served by first-class United States mail, postage prepaid, upon the following:

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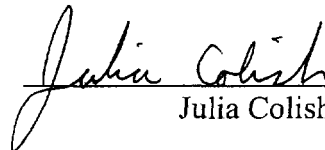
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