

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

FILED/ACCEPTED

DEC - 3 2007

Federal Communications Commission
Office of the Secretary

In the matter of)	
)	
SkyWave Mobile Communications, Inc.	)	SES-STA-20071109-01554 (Call Sign E030055)
)	
)	
Stratos Communications, Inc.	)	SES-STA-20071101-01489 (Call Sign E000180)
	)	SES-STA-20071101-01490 (Call Sign E010047)
	)	SES-STA-20071101-01491 (Call Sign E010048)
	)	SES-STA-20071101-01492 (Call Sign E010049)
	)	SES-STA-20071101-01493 (Call Sign E010050)
)	
Vizada Satellite, Inc.	)	SES-STA-20071101-01519 (Call Sign E000285)
	)	SES-STA-20071101-01514 (Call Sign E000283)
	)	SES-STA-20071101-01513 (Call Sign E000282)
	)	SES-STA-20071101-01516 (Call Sign E000280)
	)	SES-STA-20071101-01517 (Call Sign KA313)
	)	SES-STA-20071101-01515 (Call Sign E000284)
	)	SES-STA-20071101-01518 (Call Sign WB36)

REPLY OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby files this Reply to the Joint Response of SkyWave Mobile Communications, Inc. (“SkyWave”), Stratos Communications, Inc. (“Stratos”), Vizada Satellite, Inc. (“Telenor”), and Inmarsat Ventures Limited (“Inmarsat”) to MSV’s Comments on the above-captioned requests for 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.¹ As MSV explained in its Comments, the Bureau should continue to apply the conditions imposed on the original STA grants for

¹ See Joint Response of SkyWave Mobile Communications, Inc., Stratos Communications Inc., Telenor Satellite Inc., and Inmarsat Ventures Limited (November 28, 2007) (“*Joint Response*”); see also Mobile Satellite Ventures Subsidiary LLC, Comments (November 14, 2007) (“*MSV Comments*”).

earlier-generation services as well as (i) immediately require Inmarsat to cease its use of 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.

In the Joint Response, Inmarsat and its distributors claim that use of the Inmarsat 4F2 satellite for earlier-generation services has not resulted in interference. *Joint Response* at 1-2.² In fact, the opposite is true. Inmarsat and its distributors continue to refuse to relinquish the loaned frequencies despite the harm that is being caused to MSV and its customers. *MSV Comments*, Attachment at 2-4. This harm is occurring today by precluding MSV from using these frequencies to support existing customers, including MSV's unique satellite-based push-to-talk ("PTT") service which offers critical communications capabilities to first responders when

² In the Joint Response, Inmarsat and its distributors incorporate various pleadings by reference. *Joint Response* at 1-2. MSV hereby incorporates by reference the following pleadings. See Letter from Jennifer A. Manner, MSV, to Ms. Marlene H. Dortch, FCC, File No. SES-MFS-20051122-01614 (Call Sign E000180) *et al.* (June 20, 2006); Letter from Ms. Jennifer A. Manner, MSV, to Ms. Marlene H. Dortch, FCC, File No. SES-MFS-20051122-01614 *et al.* (July 18, 2006) (responding to the Opposition of Inmarsat and its distributors to MSV's request that, to the extent the Commission grants the pending applications to operate with the uncoordinated Inmarsat 4F2 satellite despite the facts that (i) harmful interference will likely occur, (ii) grant of the applications prior to a coordination agreement is inconsistent with precedent, (iii) grant will condone Inmarsat's usurpation of spectrum coordinated by the United States and Canada as well as Inmarsat's continued abdication of its obligation to coordinate its satellites internationally, and (iv) grant would endorse the current inefficient, non-contiguous assignment of L band frequencies, then the Commission should attach certain conditions intended to mitigate some of this harm); Letter from Jennifer A. Manner, MSV, to Mr. John Giusti and Mr. Julius Knapp, FCC (June 20, 2006); Letter from Ms. Jennifer A. Manner, MSV, to Ms. Marlene H. Dortch, FCC, Call Signs E010011 *et al.* (July 18, 2006) (responding to the Opposition of Inmarsat and its distributors to MSV's request that the Commission preclude Inmarsat from using frequencies licensed to and coordinated for MSV and MSV Canada); Mobile Satellite Ventures Subsidiary LLC, Petition to Hold in Abeyance, File No. SES-MFS-20060118-00050 *et al.* (March 3, 2006); Reply of MSV, File No. SES-MFS-20060118-00050 *et al.* (March 28, 2006) (responding to Inmarsat's Opposition to MSV's Petition to Hold in Abeyance Telenor Satellite Inc.'s application to provide non-BGAN Inmarsat service over Inmarsat 4F2); Comments of MSV, File No. SES-STA-20060710-01131 *et al.* (July 17, 2006); Response of MSV, File No. SES-STA-20060710-01131 *et al.* (August 11, 2006); Comments of MSV, File No. SES-STA-20060511-00788 *et al.* (May 15, 2006).

terrestrial infrastructure is impaired. *Id.* at 2. As MSV noted in its Comments, public safety users have been particularly harmed by Inmarsat’s refusal to return the loaned frequencies. *Id.* at 2. For example, the Commonwealth of Kentucky’s Division of Emergency Management, an MSV user, has informed the Commission that there is a significant risk that Inmarsat’s uncoordinated operations will “interfere with our existing critical public safety operations” and 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.”³ Inmarsat and its distributors do not refute the impact their usurpation of L band frequencies is having on MSV and MSV Canada and their customers. Moreover, as MSV explained previously, there is no analytical, statistical, or other evidence in the record of this or any other proceeding to support Inmarsat’s alleged need for the loaned frequencies.⁴ As such, Inmarsat’s refusal to return these frequencies is causing harm to MSV and MSV Canada and their customers without any apparent benefit for Inmarsat’s users.

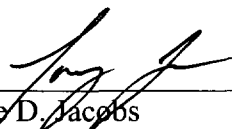
In its Comments, MSV requested that the Bureau provide a clear expiration date for these STAs unless Inmarsat has completed coordination of its new and relocated Inmarsat satellites, including rebanding of L band spectrum into more contiguous frequency blocks, which will reduce the potential for harmful interference and promote efficient use of spectrum. *MSV Comments*, Attachment at 4-6. In response, Inmarsat and its distributors cite previous filings in which Inmarsat claimed that rebanding should be resolved during the L band coordination process. *Joint Response* at 2. MSV agrees and once again invites Inmarsat to engage in

³ 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).

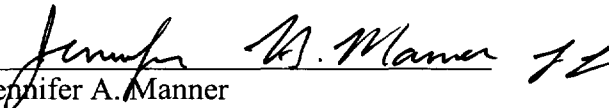
⁴ See *MSV Comments*, Attachment at 4; Comments of MSV, File No. SES-STA-20060710-01131 *et al.* (July 17, 2006), at 3-4.

coordination discussions. Commission action to facilitate rebanding, however, will in no way trump the international coordination process. Rather, such action will establish that the Commission expects L band operators to seek to maximize the potential of the L band for offering broadband services, which Chairman Martin explained is the Commission's top priority.⁵ If, however, the Bureau continues to grant and renew STAs for use of Inmarsat's uncoordinated satellites and services without insisting that it first complete coordination, there are no reasonable prospects that such coordination will ever be successfully completed.

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⁵ 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. . . . Broadband technology is a key driver of economic growth. The ability to share increasing amounts of information, at greater and greater speeds, increases productivity, facilitates interstate commerce, and helps drive innovation. But perhaps most important, broadband has the potential to affect almost every aspect of our lives.”).

CERTIFICATE OF SERVICE

I, Renee Williams, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 3rd day of December 2007, served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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