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

FILED/ACCEPTED

DEC 19 2007

Federal Communications Commission  
Office of the Secretary

In the matter of	)	
	)	
Amtech Systems LLC	)	File No. SES-STA-20071129-001630
	)	
Amtech Systems LLC	)	File No. SES-STA-20071129-001633
	)	

**OPPOSITION TO PETITION TO HOLD IN ABEYANCE**

Amtech Systems LLC (“Amtech”) hereby files this Opposition to the Petition to Hold in Abeyance filed by Mobile Satellite Ventures Subsidiary LLC (“MSV”). On November 29, 2007, Amtech submitted two applications seeking Special Temporary Authority (“STA”) to permit Amtech’s mobile data communications system to communicate with the Inmarsat 3F4 satellite located at 142° W.L. for a 60-day period. On December 6, 2007, MSV filed its Petition to Hold in Abeyance these applications. As discussed below, known anomalies on the MSAT-1 and MSAT-2 satellites support immediate grant of the requested STA to prevent harm to Amtech’s customers. MSV does not dispute this need for back-up capacity and instead appears to seek to delay grant of Amtech’s STA to gain leverage in its pending spectrum dispute with Inmarsat. Amtech is currently authorized to operate mobile earth terminals (“METs”) using MSV’s MSAT-1 and MSAT-2 satellites.<sup>1</sup> Recent events involving the performance of these satellites have revealed the necessity to gain backup capacity on a different satellite in order to ensure continued reliable service to Amtech’s customers. Accordingly, Amtech has applied to modify both of these existing licenses

<sup>1</sup> See Amtech Systems LLC, File No. SES-MOD-20060614-01011 (Jan. 26, 2007); Amtech Systems LLC, File No. SES-LIC-20030403-00695 (July 14, 2003).

to add the Inmarsat 3F4 satellite as a backup point of communication.<sup>2</sup> Delay in the grant of these STA applications could harm Amtech's customers, who could experience interruptions or loss of service in the event of an outage on MSV's satellites.

The Commission should deny MSV's petition because it improperly attempts to use Amtech customers' need for back-up capacity as leverage for resolving its spectrum dispute with Inmarsat. First, MSV requests that Amtech specify the L band frequencies that will be used to communicate with the Inmarsat 3F4 satellite and asks the Bureau to preclude Amtech from using "loaned" L band frequencies or any other frequencies coordinated for MSV or MSV Canada. This request stems from the ongoing spectrum dispute between MSV and Inmarsat over the "loaned" L band frequencies.<sup>3</sup> Such dispute, however, need not delay grant of Amtech's STA applications.<sup>4</sup>

MSV next seeks to delay grant of Amtech's STA applications until Inmarsat coordinates the operation of Inmarsat 3F4 at 142° W.L. with MSV and other L band operators. Commission policy establishes, however, that completion of coordination is not a prerequisite to issuance of an authorization to provide Mobile Satellite Service ("MSS") in the United States.<sup>5</sup> Furthermore,

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<sup>2</sup> See Amtech Systems LLC, File No. SES-MFS-20070511-00637 (filed May 11, 2007); Amtech Systems LLC, File No. SES-AMD-20071129-01632 (filed Nov. 29, 2007); Amtech Systems LLC, File No. SES-MFS-20070511-00638 (filed May 11, 2007); Amtech Systems LLC, File No. SES-AMD-20071129-01631 (filed Nov. 29, 2007).

<sup>3</sup> Amtech is not a party to this dispute, and as such, has no knowledge regarding which L band frequencies are considered "loaned" frequencies. Amtech, therefore, would have no way of independently complying with MSV's request.

<sup>4</sup> Amtech understands that the Commission does not restrict use of disputed frequencies in authorizations to use Inmarsat satellites for the traditional mobile satellite service provided by Amtech. See Stratos Communications, Inc., File No. SES-STA-20051216-01760 (Jan. 18, 2006); Telenor Satellite, Inc., File No. SES-STA-20051216-01756 (Jan. 19, 2006); SkyWave Mobile Communications, Corp., File No. SES-STA-20051222-01788 (Jan. 18, 2006); Satamatics, Inc., File No. SES-STA-20051223-01790 (Jan. 18, 2006).

<sup>5</sup> See *Establishment of Policies and Service Rules for MSS in the 2 GHz Band*, Report and Order, 15 FCC Rcd 16127, 16198 ¶ 148-49 (2000); *SatCom Systems, Inc.*, Order and Authorization, 14 FCC Rcd 20798, 20813 ¶ 30 (1999).

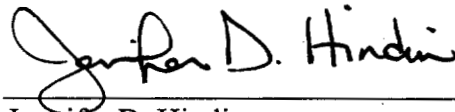
completion of coordination is particularly unnecessary in this case because Amtech's operations pursuant to the requested STA would be on a non-harmful interference basis.

MSV finally asks that Amtech be required to seek a waiver of the Commission's longitudinal station keeping rule.<sup>6</sup> That rule only applies to FSS satellites and thus is inapplicable to this application to provide MSS services over the Inmarsat 3F4 satellite.<sup>7</sup> However, to the extent the Bureau determines that a waiver request is required, Amtech hereby requests such waiver.<sup>8</sup>

For the foregoing reasons, Amtech urges the Commission to deny MSV's Petition and to grant the requested STA.

Respectfully submitted,

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Dated: December 19, 2007

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<sup>6</sup> 47 C.F.R. ¶ 25.210(j).

<sup>7</sup> See *Mitigation of Orbital Debris*, 19 FCC Rcd 11567, 11587 ¶ 44 (2004) (“[w]e decline, at this time, to adopt changes to Section 25.210(j) to specify a longitudinal tolerance of 0.05° for all space stations, including MSS and remote sensing space stations”).

<sup>8</sup> Indeed, MSV has a pending petition asking the Bureau to clarify that the rule requiring satellites to operate with  $\pm 0.05^\circ$  East-West station keeping does not apply to MSS satellites. MSV, Petition for Clarification and Partial Reconsideration, File Nos. SAT-LOA-19980702-00066 et al (June 22, 2005).

**CERTIFICATE OF SERVICE**

I, Pam Conley, do hereby certify that on December 19, 2007, I served a copy of Amtech Systems LLC's Opposition to Petition to Hold in Abeyance upon the following parties by first-class U.S. mail:

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