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

In the Matter of	)	
	)	
Establishing Rules and Policies for the use of Spectrum for Mobile Satellite Services in the Upper and Lower L-band	)))	IB Docket No. 96-132

OPPOSITION OF MOBILE SATELLITE VENTURES (CANADA) INC. TO PETITION FOR CLARIFICATION OF INMARSAT VENTURES PLC

Mobile Satellite Ventures (Canada) Inc. ("MSV Canada") hereby responds to the Petition for Clarification and subsequent Response of Inmarsat Ventures plc ("Inmarsat")[1] filed with the Federal Communications Commission ("FCC" or "the Commission") in the above-referenced proceeding[2].

Discussion

At the outset, MSV Canada agrees with Inmarsat's statement in its *Petition* that "any attempt by the U.S. to obtain 20 MHz of L-band spectrum for Motient must be done in the normal course of the international coordination process, based on Motient's traffic and needs of the other operators who participate in the Mexico City MOU coordination process"[3]. MSV Canada has itself filed a Petition for Clarification in this proceeding asking the Commission to clarify that the 20 MHz spectrum cap imposed on MSV does not apply to the

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1 Petition for Clarification of Inmarsat Ventures plc, IB Docket No. 96-132, filed March 11, 2002 ("*Inmarsat Petition*"), and Response of Inmarsat Ventures plc, IB Docket No. 96-132, filed April 5, 2002 ("*Inmarsat Response*").

2 Establishing Rules and Policies for the use of Spectrum for Mobile Satellite Services in the Upper and Lower L-band, *Order*, IB Docket No. 96-132 (2002) ("*Order*").

3 *Inmarsat Petition*, at page 2.

Canadian coordinated spectrum of MSV Canada[4], because MSV Canada is licensed by Canada, and not the U.S., for its spectrum which is coordinated pursuant to the Mexico City MOU.

There is strong agreement among L-band operators that the FCC continue to let the Mexico City MOU process prevail for allocation of spectrum among the system operators, and not impose another constraint in the form of a cap on MSV. Inmarsat states that "...for the record, Inmarsat has not advocated that the U.S. limit MSV to 20 megahertz"[5], and MSV itself "...urges the Commission to reconsider its decision and to allow MSV the opportunity to access the full 28 MHz of L-band spectrum its license provides."[6] Clearly, then, the L-band operators prefer the Mexico City MOU process to one which includes an FCC-imposed cap on MSV. Moreover, if the FCC imposes a spectrum cap on its space station licensee, it may attempt to impose a similar cap on foreign-licensed satellite systems that provide service in the United States.

However, MSV Canada does not agree with Inmarsat's position that "should the Commission nonetheless impose a cap on Inmarsat, it must impose a similar cap on the *combined* operations of MSV and TMI".[7] (emphasis added) Inmarsat cannot have it both ways. When it advocates that spectrum allocation between administrations must continue to be carried out in accordance with the Mexico City MOU, it recognizes the sovereignty of those administrations and their right at the international level to license their respective operators. When it further argues that the FCC's decision to place limits on a U.S. operator should not be

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4 Petition for Clarification or Partial Reconsideration of Mobile Satellite Ventures (Canada) Inc., IB Docket No. 96-132, filed September 6, 2002 ("*MSV Canada Petition*"), at page 4.

5 *Inmarsat Response*, at page 7.

6 Petition for Clarification and Partial Reconsideration of Mobile Satellite Ventures Subsidiary LLC, IB Docket No. 96-132, filed September 6, 2002, at page (ii).

extended to non-U.S. operators for service within the United States, Inmarsat cannot arbitrarily ignore that MSV Canada is licensed by the Canadian Government with full rights to the Canadian-coordinated spectrum. Moreover, by Inmarsat advocating the combining of two administrations' spectrum, it thus undermines its own position that the FCC should remain consistent with its determinations regarding foreign-licensed spectrum in the *TMI Order* and the *Inmarsat Market Access Order*.[8] As a further point, MSV Canada believes that it would be counterproductive for the Commission to introduce measures that would lead to the licensing of any additional L-band operators, as this is not included in the Mexico City MOU and will only constrain the ability for the existing operators to meet their spectrum needs.

Conclusion

Based on the foregoing, MSV Canada urges the Commission not to take any action that will undermine the Mexico City MOU and specifically reiterates its request that the FCC clarify that the 20 MHz L-band spectrum cap imposed on MSV does not apply to the Canadian coordinated spectrum of MSV Canada.

Very truly yours,

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October 7, 2002

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7 *Inmarsat Response* at page 7. Inmarsat's statement regarding TMI presumably holds for MSV Canada, to whom Industry Canada has transferred the L-band licence for the MSAT-1 satellite.

8 *Inmarsat Petition*, at page 2.

CERTIFICATE OF SERVICE

I, Rhea Lytle, hereby certify that on this 7th day of October 2002, served a true copy of the foregoing by first class United States Mail, postage prepaid, upon the following:

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