

February 4, 2004

BY ELECTRONIC DELIVERY

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

Re: ***Ex Parte Presentation:***
In the Matter of Mitigation of Orbital Debris, IB Docket No. 02-54

Dear Ms. Dortch:

In *ex parte* submissions made in the past few days, both EchoStar and the SIA have addressed the extent to which existing spacecraft should be grandfathered from the application of the new deorbiting requirements that the Commission is considering.

Inmarsat is writing to endorse these arguments, particularly as they apply to spacecraft already under construction.

EchoStar's submission reiterates the legal and equitable problems associated with retroactively applying new rules to spacecraft already under construction. Inmarsat endorses EchoStar's concerns.

SIA specifically endorses grandfathering in-orbit spacecraft, and appropriately recognizes that the "retroactive application of new standards would unfairly burden operators by truncating the useful lives of spacecraft whose fuel budgets were set before the rules were adopted." This argument applies with equal force to spacecraft already under construction, particularly those, such as the Inmarsat 4 fleet, that have no available fuel margin to accommodate the proposed new deorbiting requirements.

For these reasons, Inmarsat consistently has urged the Commission to apply any new rules that it adopts in this proceeding only on a prospective basis, and not to spacecraft that have been designed and are being implemented in accordance with longstanding domestic or ITU standards or industry “best practices.”¹ Specifically, Inmarsat has requested that the new rules not apply to spacecraft that are either in-orbit or currently under physical construction.

Respectfully submitted,

/s/

John P. Janka
Alexander D. Hoehn-Saric

cc: Sheryl Wilkerson
Jennifer Manner
Paul Margie
Sam Feder
Barry Ohlson

¹ See Inmarsat *ex parte* submissions dated December 22, 2003, January 9, 2004 and January 16, 2004.