

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
New Part 4 of the Commission’s Rules) EB Docket No. 04-35
Concerning Disruptions to Communications)

REPLY COMMENTS OF INMARSAT VENTURES LIMITED

Inmarsat Ventures Limited (“Inmarsat”) hereby submits its reply comments in response to the comments filed regarding the Commission’s Notice of Proposed Rulemaking (“NPRM”) in the above-captioned in proceeding.¹

Inmarsat is a global satellite operator providing a broad array of mobile satellite communications services using the L-band both within and outside the United States. These services include maritime, aeronautical and land-based satellite voice and data services to governmental and commercial users. In the NPRM, the Commission proposes, among other things, to extend the existing communications disruptions reporting requirements to satellite communications service providers.

Inmarsat agrees with numerous commenters,² including the Department of Homeland Security,³ that outage reports should be treated as confidential by the Commission and

¹ *New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, Notice of Proposed Rulemaking, 19 FCC Rcd. 3373 (2004).

² *See* Comments of Globalstar LLC, ET Docket No. 04-35 at 7 (May 25, 2004); Comments of Intelsat Global Service Corporation, ET Docket No. 04-35 at 3 (May 25, 2004) (“*Intelsat Comments*”); Comments of Iridium Satellite LLC, ET Docket No. 04-35 at 2 (May 25, 2004); Comments of PanAmSat Corporation and SES AMERICOM, Inc., ET Docket No. 04-35 at 7 (May 25, 2004) (“*PAS/SES Comments*”).

³ *See* Comments of the Department of Homeland Security, ET Docket No. 04-35 at 3, 13-14 (June 2, 2004) (“*DHS Comments*”).

not made easily accessible to the public. By providing the public access to the outage data, the Commission may inadvertently be providing valuable information to individuals seeking to undermine and attack the telecommunications network. Such individuals may be able to exploit vulnerabilities described in the outage reports.⁴ Moreover, if the Commission made outage reports public at the time, or shortly after, they are filed, individuals attacking the network would be able to use the reports to track the success and impact of their actions. Finally, the causes of a satellite disruption may be commercially sensitive and public disclosure of such information may have an adverse financial and/or competitive impact on a satellite operator. Therefore, Inmarsat urges the Commission to treat outage reports as confidential. The information collected then may be evaluated by the appropriate governmental entities and used to identify and correct weakness in the U.S. telecommunications network without further jeopardizing the system.

With respect to the timing and contents of the outage reports, Inmarsat agrees with PanAmSat Corporation (“PanAmSat”), SES AMERICOM, Inc. (“SES”) and Intelsat Global Service Corporation (“Intelsat”) that the proposed requirement to file an outage report within two hours of a reportable outage may not provide sufficient time for a satellite service provider to gather all the information sought in the proposed reporting form, which is attached to the NPRM as Appendix B.⁵ The causes of a satellite disruption or failure is at times difficult to isolate due to the inaccessibility of the in-orbit satellite. A full understanding of the situation may take weeks to achieve. Moreover, because Inmarsat provides capacity to Land Earth Station Operators (“LESOs”) who in turn provide service to individual customers, neither Inmarsat nor the LESO alone may have access to all the information need to determine the extent and particulars of a reportable outage. This may delay the satellite service provider’s ability to recognize that a

⁴ See *DHS Comments* at 14.

⁵ See *PAS/SES Comments* at 7 and *Intelsat Comments* at 3.

reportable outage has occurred. Moreover, two hours may not give the provider enough time to collect and provide the Commission with the outage information requested in the proposed form. Inmarsat therefore urges the Commission to adopt PanAmSat's and SES' clarification that the initial outage report that must be filed by a satellite service provider within two hours of the reportable outage need contain only the then currently available information regarding the outage even if no response is given to some items on the Commission's form. This will provide the Commission with prompt notice of an outage while acknowledging the inherent limitations of reporting on satellite system outages.

Respectfully submitted,

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