



20 December 2004

Marlene H Dortch
 Secretary, Federal Communications Commission
 445 Twelfth Street SW
 Washington DC 20554
 USA

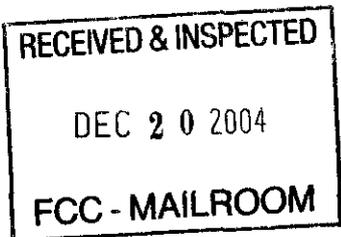
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BOB PHILLIPS
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Re: ATC Rulemaking IB Docket No 01-185
 Applications of Mobile Satellite Ventures Subsidiary LLC
 File No SAT-MOD-20031118-00333
 File No SAT-AMD-20031118-00332
 File No SES-MOD-20031118-01879



Dear Mrs Dortch

I am writing to express Ofcom's concern about issues related to the foreseen operation of Ancillary Terrestrial Component (ATC) in the L-band, which are currently under consideration by the FCC. Ofcom is concerned, firstly that the recent Order and Authorisation for MSV to deploy ATC in L-band allows significant increases in the level of interference that may be received by the Inmarsat system, and secondly about proposals for even more dramatic relaxations to the established ATC limits in MSV's pending Petition for Reconsideration.

Ofcom has been following the ATC proceedings with great interest, since they raise many important and difficult issues. Ofcom agrees with the principle of allowing flexibility in the use of spectrum where possible, and also agrees with the overriding requirement to ensure that such flexibility does not disrupt the operation of other existing and planned services.

With regard to L-band, Ofcom is acutely aware, through its operator Inmarsat, that spectrum for MSS is in short supply. We therefore agree with the FCC's premise in the February 2003 ATC Order that ATC is a secondary service that should not impact on the availability of spectrum for MSS. Unfortunately this premise has been compromised in the recent MSV ATC licence grant by the decision to allow the MSV ATC system to cause more interference to Inmarsat services than was foreseen in the 2003 ATC Order.

The ATC Order was adopted after at least two years of debate and it is clear from the Order that the FCC spent considerable effort in balancing the demands of the ATC proponents with the requirement to protect the expectations of MSS user and out L-band. As mentioned already, Ofcom feels that the FCC was successful in achieving this balance, and we are

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We would be pleased to discuss these matters with you in more detail.

reasonably content that if the prescriptions of the ATC Order are adhered to, Inmarsat's satellite system will not be unduly affected.

However, the recent MSV ATC licence grant upsets this delicate balance by allowing significant increases in the amount of interference that may be caused to MSS both in the uplink and in the downlink. Even if some aspects of the FCC interference analysis may be conservative, we won't know this with certainty until real ATC operations have started. We also note that Inmarsat has pointed out areas where the FCC analysis underestimates the amount of interference that will be caused to MSS.

It would be a mistake to allow relaxations to the carefully crafted ATC rules at this time. It will be easier to allow such relaxations in the future, if experience shows that this is possible without causing harm to Inmarsat services, than it would be to scale back ATC operations that are found to cause excessive interference. This approach would also be more in line with the secondary nature of ATC.

Consequently, we request the FCC to reconsider the decision to allow MSV relaxations of the ATC protection limits. We also take this opportunity to express our very strong concern with the further relaxations proposed by MSV in its Petition for Reconsideration of the 2003 ATC Order. These relaxations go much further than those granted in the MSV ATC licence and our concern with these MSV proposals is amplified in equal measure.

We would be pleased to discuss these matters with you in more detail.

Yours sincerely



R O Phillips

cc. Jonas Eneberg, Inmarsat

Kip Meek, Ofcom