

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

In the Matter of)	
)	
Use of Returned Spectrum in the 2 GHz Mobile Satellite Service Frequency Bands)	IB Docket Nos. 05-220 & 05-221
)	
Inmarsat Global Limited)	File Nos. SAT-PDR-20050926-00184
Petition for Declaratory Ruling to Provide Mobile Satellite Service to the United States Using the 2 GHz and Extended Ku-Bands)	SAT-AMD-20051116-00221

REPLY TO COMMENTS

Pursuant to Section 1.106(g) of the Commission’s rules, 47 C.F.R. § 1.106(g), and the Commission’s public notice published in the Federal Register on February 1, 2006,¹ New ICO Satellite Services G.P. (“ICO”) replies to the comments filed by T-Mobile USA, Inc. (“T-Mobile”) and CTIA – The Wireless Association (“CTIA”) in support of the petitions (“Petitions”) of Globalstar LLC (“Globalstar”) and Inmarsat Global Limited (“Inmarsat”) for reconsideration² of the *2 GHz Order*.³

Although T-Mobile’s and CTIA’s comments appear to support the Petitions, their broad requests for a rulemaking to consider reallocating the returned 2 GHz mobile satellite service

¹ See *Petitions for Reconsideration of Commission Action*, 71 Fed. Reg. 5339 (Feb. 1, 2006).

² See Consolidated Petition for Reconsideration of Inmarsat Ventures Limited and Inmarsat Global Limited (collectively, “Inmarsat”), IB Dkt. Nos. 05-220 & 05-221 (Jan. 9, 2006); Petition of Globalstar LLC for Reconsideration, IB Dkt. Nos. 05-220 & 05-221 (Jan. 9, 2006). All filings submitted in this proceeding hereinafter will be short-cited.

³ See *Use of Returned Spectrum in the 2 GHz Mobile Satellite Service Frequency Bands*, FCC 05-204 (Dec. 9, 2005) (“*2 GHz Order*”).

(“MSS”) spectrum for other services fall outside the scope of the Petitions and therefore should be rejected.⁴ Unlike T-Mobile’s and CTIA’s comments, the Petitions do not seek to challenge either the Commission’s decision to preserve the allocation of the spectrum for MSS or its decision to proceed under Section 316 modification procedures in lieu of a rulemaking. Rather, they seek to challenge only the Commission’s decision to reassign the returned 2 GHz MSS spectrum to ICO and TMI instead of other MSS proponents.⁵ Consequently, because T-Mobile’s and CTIA’s comments seek reconsideration of matters not covered by the Petitions, they should be rejected as untimely filed petitions for reconsideration.

To the extent that they could be viewed as supporting the Petitions’ limited requested for reconsideration, T-Mobile’s and CTIA’s comments offer no new facts or arguments that would warrant reversal of the *2 GHz Order*. As ICO previously demonstrated, the Commission’s decision in the *2 GHz Order* to divide the returned 2 GHz MSS spectrum between ICO and TMI is reasonable and supported by the record.⁶ The record fully supports the Commission’s findings that assigning all of the available 2 GHz MSS spectrum to ICO and TMI will enhance MSS competition, will facilitate services to first responders and rural areas, and will accomplish these objectives much more quickly than assigning the spectrum to other parties.

Furthermore, T-Mobile’s and CTIA’s comments contain factual and legal errors. For example, T-Mobile claims that the *2 GHz Order* “flatly contradicts clear Commission precedent

⁴ Specifically, T-Mobile broadly requests that the Commission “re-open this proceeding for full notice-and-comment rulemaking to determine how best to allocate and assign the remaining 2 GHz spectrum.” T-Mobile Comments at 2-3. Similarly, CTIA urges the Commission “to commence a rulemaking to consider the best use of the unassigned spectrum.” CTIA Comments at 2.

⁵ See Globalstar Petition at 1-2; Inmarsat Petition at 1-2.

⁶ See ICO Opposition at 2-10.

and Congressional intent that, save for exceptional cases, radio spectrum be licensed through auction.”⁷ To the contrary, Section 647 of the Orbit Act expressly prohibits the Commission from auctioning spectrum “used for the provision of international or global satellite communications services.”⁸ Thus, the Commission’s decision to refrain from auctioning the returned 2 GHz MSS spectrum is not only proper, but also mandated by statute.

Additionally, CTIA reiterates the claim that the Commission’s rules do not require ICO and TMI to serve any rural areas,⁹ but apparently overlooked Section 25.143(b)(2)(iv) of the Commission’s rules, which generally requires geostationary 2 GHz MSS systems to be capable of providing service to the entire United States, including rural areas.¹⁰ Terrestrial wireless systems, in contrast, are not subject to the same national coverage requirement. In fact, ICO consistently has stated that providing service to rural and underserved areas is an essential element of its business plan.¹¹ Thus, even assuming that T-Mobile’s and CTIA’s arguments are properly raised, they offer no basis for re-opening this proceeding to consider reallocating or reassigning the returned 2 GHz MSS spectrum for other uses.

⁷ T-Mobile Comments at 4.

⁸ Open-Market Reorganization for the Betterment of International Telecommunications Act, Pub. L. No. 106-180 § 647, 114 Stat. 48, 57 (enacted Mar. 12, 2000), codified at 47 U.S.C. § 765f.

⁹ See CTIA Comments at 6.

¹⁰ See 47 C.F.R. § 25.143(b)(2)(iv).

¹¹ See ICO Modification Application, File No. SAT-MOD-20050110-00004, Attachment 1, at 4, 18 (Jan. 10, 2005).

Based upon the foregoing, ICO urges the Commission to reject the Petitions and reaffirm the 2 GHz Order.

Respectfully submitted,

NEW ICO SATELLITE SERVICES G.P.

/s/ Suzanne Hutchings Malloy

Suzanne Hutchings Malloy
Senior Regulatory Counsel
815 Connecticut Avenue, N.W.
Suite 610
Washington, D.C. 20006

Cheryl A. Tritt
Phuong N. Pham
Morrison & Foerster LLP
2000 Pennsylvania Ave., NW, Suite 5500
Washington, D.C. 20006

Its Attorneys

March 1, 2006

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2006, I caused to be served a copy of the foregoing **Reply to Comments** by first-class U.S. mail or, as indicated by (*) below, by electronic mail upon the following:

Cassandra Thomas*
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Email: Cassandra.Thomas@fcc.gov

Fern Jarmulnek*
Deputy Chief, Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Email: Fern.Jarmulnek@fcc.gov

William Bell*
Deputy Chief, Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Email: William.Bell@fcc.gov

Karl Kensinger*
Associate Division Chief, Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Email: Karl.Kensinger@fcc.gov

Richard S. Woods
William F. Adler
Globalstar LLC
461 Milpitas Blvd.
Milpitas, CA 95035

William T. Lake
Wilmer Cutler Pickering Hale and Dorr LLP
2445 M Street, NW
Washington, DC 20037

Counsel for Globalstar LLC

Matthew S. DelNero
Kurt A. Wimmer
Jonathan D. Blake
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, D.C. 20004-2401

Gregory C. Staple
Vinson & Elkins
1455 Pennsylvania Avenue, NW
Washington, D.C. 20004-1008

*Counsel for TMI Communications and
Company Limited Partnership*

Counsel for TerreStar Networks, Inc.

Randy S. Segal
Senior Vice President, General Counsel &
Secretary
Mobile Satellite Ventures Subsidiary LLC
10802 Parkridge Boulevard
Reston, VA 20191

R. Edward Price
Robert A. Mazer, Esq.
Vinson & Elkins, LLP
1455 Pennsylvania Avenue, NW
Washington, D.C. 20004-1008

Counsel for SkyTerra Communications, Inc.

Dale Branlund
Chief Technical Officer
BRN Phoenix, Inc.
329 N. Bernardo Avenue
Mountain View, CA 94043

John P. Janka
Jeffrey A. Marks
Latham & Watkins, LLP
555 Eleventh Street, NW
Suite 1000
Washington, D.C. 20004

*Counsel for Inmarsat Ventures Limited and
Inmarsat Global Limited*

Loren Leman
Chairman
Aerospace States Association
2200 Wilson Boulevard
Suite 102-249
Arlington, VA 22209

Thomas Clemons
President
Alaska Association Of Chiefs Of Police
P.O. Box 167
Seward, AK 99664

Nils Rydbeck, MSEE, PhD.,
Professor
Rydbeck Consulting
943 Flagship Drive
Summerland Key, FL 33042

Kelin N. Kasler
Amy E. Bender
Jennifer D. Hindin
Carl R. Frank
Wiley Rein & Fielding
1776 K Street, NW
Washington, D.C. 20006
Counsel for Sirius Satellite Radio, Inc.

Thomas J. Sugrue
Robert A. Calaff
T-Mobile USA, Inc.
401 9th Street, NW
Suite 550
Washington, D.C. 20004

Carol L. Tacker
David G. Richards
J.R. Carbonell
Cingular Wireless, LLC
5565 Glenridge Connector - Suite 1700
Atlanta, GA 30342

Dennis J. Burnett
Vice President
EADS North America Defense Company 1616
North Fort Myer Drive
Suite 1500
Arlington, VA 22209

Peter Pitsch
Marjorie J. Dickman
Andrew Tang
Intel Corporation
1634 I Street, NW - Suite 300
Washington, D.C. 20006

Oliver Badard
Vice President
Alcatel North America
11600 American Dream Way
9th Floor
Reston, VA 20193

Chief Dan Flynn
Savannah Chatham Metropolitan Police
PO Box 8032
Savannah, GA 31412

Gerald C. Musarra
Vice President, Trade & Regulatory Affairs
Lockheed Martin Corporation
1500 Crystal Drive
Suite 300
Arlington, VA 22202

Carl Hofferberth
Microwave Circuits, Inc.
1611 Kemper Street
Lynchburg, VA 24501

David A. Cavossa
Executive Director
Satellite Industry Association
1730 M Street, NW
Suite 600
Washington, D.C. 20036

Fred Fellmeth, Esq.
777 American Drive
Bensalem, PA 19020
Counsel for Total RF Marketing, Inc.

Christopher Guttman-McCabe
CTIA - The Wireless Association
1400 16th Street, NW
Suite 600
Washington, D.C. 20036

Wayne V. Black
Keller and Heckman, LLP
1001 G Street, NW
Suite 500 West
Washington, D.C. 20001
Counsel for American Petroleum Institute

Bruce A. Olcott
Joseph P. Markoski
Squire, Sanders & Dempsey LLP
1201 Pennsylvania Avenue, NW
PO Box 407
Washington, D.C. 20044-0407
Counsel for The Boeing Company

Henry Ruhwiedel
Ruhwiedel
5317 W 133rd
Crown Point, IN 46307

Raymond G. Bender, Jr.
John S. Logan
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, D.C. 20036
Counsel for Hughes Network Systems, LLC

Laurence D. Atlas
Loral Space & Communications
1421 Jefferson Davis Highway
Suite 810
Arlington, VA 22202-3290

George Y. Wheeler, Esq.
Holland & Knight, LLP
2099 Pennsylvania Avenue, NW
Suite 100
Washington, D.C. 20006
*Counsel for United States Cellular
Corporation*

Chief Joseph G. Estey
President
International Association of Chiefs of Police
422 Winthrop Drive
Ithaca, NY 14850-1739

Sheriff James A. Karnes President
Major County Sheriff's Association
422 Winthrop Drive
Ithaca, NY 14850-1739

William K. Coulter, Esq.
Coudert--Brothers, LLP
1627 I Street, NW
Suite 1200
Washington, D.C. 20006
Counsel for Mobile Satellite Users Association

Aarti Holla-Maini
Secretary General
European Satellite Operators Association
Brussels
BELGIUM, DC 01040
By International Mail

Robert S. Foosaner
Lawrence R. Krevor
Trey Hanbury
Sprint Nextel Corporation
2001 Edmund Halley Drive
Reston, VA 20191

Larry Hatch
Advanced Manufacturing Technology, Inc.
28 Millrace Drive
Lynchburg, VA 24501

Christopher D. Imlay
General Counsel
Society of Broadcast Engineers, Inc.
c/o Booth, Freret, Imlay & Tepper
14356 Cape May Road
Silver Spring, MD 20904

Bert W. King
24 Jones Avenue
Greenville, SC 29601-4332

Chief Harold L. Hurt
President
Major Cities Chiefs Association
422 Winthrop Drive
Ithaca, NY 14850-1739

Sheriff Ted Sexton
President
National Sheriffs' Association
422 Winthrop Drive
Ithaca, NY 14850-1739

Kumar Singarajah
Chairman
Satellite Action Plan Regulatory Group
Brussels
BELGIUM, DC 01040
By International Mail

Lee Cobb
Executive Director
Virginia's Region 2000 Economic
Development Council
PO Box 937
Lynchburg, VA 24505

Lester B. Baird, Sr.
County Administrator
Hendry County, Florida
P.O. Box 2340
LaBelle, FL 33975-2340

Chief A.M. Jacocks, Jr.
Chief of Police - Building 11
Municipal Center
2509 Princess Anne Road
Virginia Beach, VA 23456

Carlton Stallings
President
Georgia Fraternal Order of Police
772 Maddox Drive
Suite 104
Ellijay, GA 30540

Jill M. Lyon
Vice President and General Counsel
United Telecom Council
1901 Pennsylvania Avenue, NW - 5th
Floor
Washington, D.C. 20006

Kenneth L. Morckel
Director
Ohio Department of Public Safety
1970 West Broad Street
P.O. Box 182081
Columbus, OH 43218-2081

Cecilia Bernier
Town Manager
P.O. Drawer 669
Windermere, FL 34786

Sheriff Robert J. McCabe
Norfolk Sheriff's Office
811 E. City Hall Avenue
Norfolk, VA 23510

/s/ Theresa Rollins
Theresa L. Rollins