

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

In the Matter of )  
 )  
Annual Report to Congress on Status of ) IB Docket No. 06-67  
Competition in the Satellite Services )  
Market )

**REPLY COMMENTS OF INMARSAT PLC**

Inmarsat plc (“Inmarsat”) responds to the Comments submitted by Mobile Satellite Ventures Subsidiary LLC (“MSV”) in this proceeding. Specifically, Inmarsat addresses MSV’s allegations regarding L-Band spectrum management and maritime services.

**I. L-BAND SPECTRUM MANAGEMENT**

MSV raises several issues regarding L-Band spectrum rights and responsibilities<sup>1</sup> that have been briefed on many occasions before<sup>2</sup> and merit only a brief response here. As Inmarsat noted in its Comments,<sup>3</sup> the proper venue for addressing L-Band coordination issues and related disputes is the international coordination mechanism established by the Mexico City Memorandum of Understanding (“MOU”). Commission policy is clear that MSV is obligated to participate in the MOU process under which Inmarsat, MSV, and two other MSS operators are to enter into annual spectrum sharing agreements based on actual spectrum usage and demonstrated short term projections of spectrum need.<sup>4</sup>

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<sup>1</sup> MSV Comments at 11-13.

<sup>2</sup> See, e.g., Opposition of Inmarsat, File No. SES-MFS-20060118-00050, *et al.* (filed Mar. 16, 2006); Opposition of Inmarsat, File No. SES-LFS-20051123-01634, *et al.* (filed Jan. 26, 2006).

<sup>3</sup> Inmarsat Comments at 7-8.

<sup>4</sup> *FCC Hails Historic Agreement on International Satellite Coordination*, Report No. IN 96-16 (rel. Jun. 25, 1996).

Unfortunately, MSV abandoned the Mexico City MOU process over six years ago,<sup>5</sup> attempting instead to use the absence of a spectrum sharing agreement under the MOU as a means to block new competitors and new services from reaching U.S. customers.<sup>6</sup> Since then, both Inmarsat and the United Kingdom's Office of Communications have urged that MSV return to the international negotiating table, to no avail. To the extent that MSV truly seeks to effectuate changes in the way the L-Band is used and segmented, the path is clear, and Inmarsat's invitation to MSV to participate in the international L-Band coordination process remains open.

In the meantime, Commission policy and precedent is clear that use of the L-Band is to continue on a non-harmful-interference basis, and that no operator has the right to any specific portion of the L-Band.<sup>7</sup> Thus, MSV simply does not, as it asserts,<sup>8</sup> "own" any part of the L-Band, and MSV also does not have any L-Band spectrum to "loan" or to "recall."<sup>9</sup>

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<sup>5</sup> See Brief for Appellee (FCC), *AMSC Subsidiary Corporation v. FCC*, Case No. 99-1513, p. 34-35 (D.C. Cir. May 17, 2000) (Public Copy) (noting that "AMSC . . . vetoed the proposed extension of the operating agreement, despite the absence of . . . interference.").

<sup>6</sup> See *SatCom Systems, Inc., et al.*, 14 FCC Rcd 20798 (1999) (unsuccessful attempt to keep TMI's services from the U.S. market); *Comsat Corporation d/b/a Comsat Mobile Communications, et al.*, 16 FCC Rcd 21661 (2001) ("*Comsat*") (unsuccessful attempt to keep Inmarsat services from the U.S. market). In addition, over the last 9 months, MSV has sought to delay every application to bring new and innovative Inmarsat services to the United States that MSV cannot offer.

<sup>7</sup> *Comsat*, 16 FCC Rcd at 21698 ¶ 71 ("[W]e cannot state that Inmarsat will be operating on frequencies coordinated for it and that there will be no chance of interference. The absence of [an operating] agreement, however, is not a sufficient basis upon which to deny the pending applications."); *AMSC v. FCC*, 216 F.3d 1154, 1159 (D.C. Cir. 2000) ("[MSV] claims, however, that when there is no coordination agreement in effect [other operators] are free to operate on any frequency . . . including the frequencies that had previously been coordinated for [MSV]. The Commission responds that even then the likelihood of interference is not increased . . . because [the] licenses are expressly conditioned upon their operating on a 'non-interference basis.'").

<sup>8</sup> MSV Comments at 11-12.

<sup>9</sup> *Comsat*, 16 FCC Rcd at 21699 ¶ 73 ("[T]here is no permanent assignment of specific spectrum to any L-band operator. Thus, no operator can assert any claim with respect to a

Moreover, Inmarsat has effectuated all satellite coordination with MSV that is required by the ITU Radio Regulations, and MSV's allegations about interference are both speculative and wholly unsubstantiated, and have been thoroughly rebutted in prior pleadings.<sup>10</sup> MSV's assertions are particularly hollow in light of MSV's history of holding further coordination with Inmarsat hostage to separate business issues that MSV wishes to address. Thus, the Mexico City MOU process, not this proceeding, is the proper venue for addressing MSV's L-Band spectrum concerns.

## II. MARITIME SERVICES

MSV is mistaken in its characterization of the state of competition in the provision of services to maritime users. The last decade has been marked by a significant increase in the competitive landscape for maritime communications services. Today, maritime users have more alternatives than ever before. Inmarsat, Globalstar and Iridium, various MSS providers with regional coverage, providers of fixed satellite services to Earth Stations on Vessels ("ESVs"), along with various terrestrial-based services, provide communications alternatives to maritime users.<sup>11</sup> Inmarsat's experience bears out the fact that shipping fleets often install equipment that allow them to communicate using multiple service providers, and to

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specific piece of spectrum."); *accord MSV 101° W.L. Order*, DA 05-1492, ¶ 34 (2005) ("Unlike most international coordinations that create permanent assignments of specific spectrum, [L-Band] operators' assignments can change from year to year based on their marketplace needs.").

<sup>10</sup> See pleadings cited, *supra*, note 2.

<sup>11</sup> See MSV Comments at 5 (acknowledging that Inmarsat, Iridium, Globalstar and ESV providers serve maritime users); Jose del Rosario, *Inmarsat Pressured By Need to Shift Traditional Focus*, SATELLITE NEWS, Vol. 27, No. 42 (Nov. 1, 2004) (noting increased competition in the maritime and aeronautical markets from Iridium, Globalstar, ACeS and Thuraya); Helen Hill, *Iridium Satellite Reaches for the Sky*, LLOYD'S LIST, Issue No. 59032; Special Report-Europort, Pg. 11 (Nov. 2, 2005) (detailing Iridium's large increases in maritime business year over year). See also *Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands*, 20 FCC Rcd 674 (2005) (permitting provision of services to ships by fixed satellite services providers).

select the communications solution that offers the mix of services and price that best suits their needs at any given time.

MSV's description of standard-setting process of the International Maritime Organization ("IMO") also is wrong.<sup>12</sup> Inmarsat's ability to influence the IMO's standard setting process is no different than the ability of any other operator. Specifically, Inmarsat's views are presented through the United Kingdom, just as other service providers may participate through their own Administrations. In fact, there are a number of IMO GMDSS requirements that have significant cost and technical burdens for Inmarsat.

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Inmarsat respectfully submits these Reply Comments to assist the Commission in preparing its forthcoming report to Congress.

Respectfully submitted,

Diane J. Cornell  
Vice President, Government Affairs  
INMARSAT, INC.  
1100 Wilson Boulevard  
Suite 1425  
Arlington, VA 22209  
Telephone: (703) 647-4767

/s/ \_\_\_\_\_  
John P. Janka  
Jeffrey A. Marks  
LATHAM & WATKINS LLP  
555 Eleventh Street, N.W.  
Suite 1000  
Washington, D.C. 20004  
Telephone: (202) 637-2200

*Counsel for Inmarsat plc*

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<sup>12</sup> MSV Comments at 6-7.