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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW – A325
Washington, DC 20554

Re: *Ex Parte* Submission in WT Dockets No. 06-150, 06-229 and 96-86 – Use of Satellite Services to Achieve a Nationwide, Interoperable Public Safety Wireless Broadband Network

Dear Ms. Dortch:

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby submits this *ex parte* letter in the above-captioned dockets. In its prior comments in response to the Second Further Notice of Proposed Rulemaking ("Second FNPRM") in this proceeding MSV supported the Commission's tentative conclusion that the public/private partnership should be retained and that the Commission should authorize a single, nationwide D block license.

Recently it has become apparent that there may be insufficient support for a single, nationwide D block license among the various stakeholders and that the Commission may authorize a number of regional licenses for the D block. Regardless of whether licenses are issued regionally or nationally, and regardless of the degree of terrestrial buildout required, only satellites can ensure that all public safety user devices will operate anywhere, any time, regardless of conditions on the ground.

The cost of including satellite capability in all public safety user devices is nominal: four million public safety users nationwide could be equipped with the power of ubiquitous, failsafe communications capability for an incremental cost of roughly $20 million (about $5 per device), and this cost would be incurred over a period of years as devices are deployed.[1] Satellite capability would also mitigate any adverse effects on small towns and rural areas that would not be served by a terrestrial network built against more relaxed coverage benchmarks. First responders in those communities should be given an opportunity to participate in the network using the same devices and applications via satellite links.

Integrating a satellite component into the public safety network would also mitigate some of the other tradeoffs inherent in a regional licensing approach. Even if the Commission imposes a single, common technical standard, a series of regional networks could create failure points in a network that above all should be as failsafe as possible. The many challenges of intra-network

[1] *See MSV Comments* at 14 (June 20, 2008). Moreover, with greater numbers, the cost of satellite capability will be even more reasonable.

roaming in the commercial context would apply, and the more complex and critical functions inherent in public safety communications would pose even greater challenges. In theory a roaming public safety user will gain network access, but data could be lost in the handoff. A satellite link established in one D block license area can be held seamlessly across license boundaries and through intervening areas of poor coverage or no coverage. Satellite capability would make it easier to provide priority and preemptive access seamlessly across network boundaries. When all handsets are satellite capable, they will have a fully redundant link even if the terrestrial network does not authenticate the user or does not permit preemptive access.

Finally, even in areas in which terrestrial networks are fully deployed, those facilities are subject to damage or destruction by the same disasters that trigger the need for immediate action by first responders. As Chairman Martin testified before a Senate committee hearing, "[i]f we learned anything from Hurricane Katrina, it is that we cannot rely solely on terrestrial communications."[2] Reliable terrestrial wireless facilities are essential to a robust public safety communications network, but as Hurricane Gustav demonstrated just last week, emergencies far less catastrophic than Katrina can impair even the most robust terrestrial communications networks.[3] At such times, satellites can and do provide critical communications links.[4] Satellite networks were the communications systems least disrupted by Katrina,[5] but their full potential to save lives and safeguard property was not realized because too few satellite phones were deployed in the area in advance and because many first responders simply did not know how to use the devices. Indeed, prior to Gustav's landfall MSV specially deployed additional satellite radios to the region and conducted special training sessions.[6] But many emergencies do not provide advance warning, and ad-hoc deployment and training can provide only incremental benefits.[7] Incorporating satellite capability into every 700 MHz public safety device is a systemic solution that will resolve both of these challenges by ensuring that first responders

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[2] *Hearing on Communications in a Disaster Before the S. Comm. on Commerce, Science and Transportation*, 109th Cong. 7 (2005) (statement of Kevin J. Martin, Chairman, FCC).

[3] *See, e.g.*, "Gustav Brings Down Cell, Internet Service", CIO-Today.com, 3 September 2008 (available at http://www.cio-today.com/story.xhtml?story_id=011000TUGIGN); "Phone, online services almost 100% but hard-hit areas are still struggling", Times-Picayune, 6 September 2008 (available at http://www.nola.com/news/t-p/index.ssf?/base/news-0/1220678422128490.xml&coll=1).

[4] *See, e.g.*, "Gustav response highlights Army's improvement in disaster communications", 2 September 2008 (citing Army's use of special satellite equipped trucks designed after Katrina) (available at http://www.govexec.com/story_page.cfm?articleid=40875); "BGAN Keeps CNN Storm Coverage Afloat", TVTechnology.com, 5 September 8, 2008 (available at http://tvtechnology.com/pages/s.0157/t.15545.html);

[5] *Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, Report and Recommendations to the Federal Communications Commission*, June 12, 2006 at 10-11, available at http://www.fcc.gov/pshs/docs/advisory/hkip/karrp.pdf ("Katrina Panel Report").

[6] While demand for MSV's service spiked in the wake of Gustav, users of MSV services did not suffer from capacity constraints.

[7] *See, e.g.*, "Alternative Uses Of Emergency Communications Networks Driving New Market", Via Satellite, 1 June 2008 ("Local first responder government agencies [see] the cost of equipment as too high, the difficulty of hiring skilled manpower, the lack of training to develop the skills to implement the [emergency communications networks] and simply not having enough of the physical resources to meet the highest standards of emergency response," says Charles Mason, vice president of Tri-Sentinel, a Silicon Valley first responder technology firm.).

nationwide have satellite access available when they need it most via a device they know how to use.

In short, integrating satellite capability into every public safety handset would embed a failsafe mode in the entirety of the network, providing an extremely high level of confidence that every public safety device can and will operate any time, any place.[8] At the same time, it would extend the benefits of the network's devices and applications to thousands of first responders that will not be served by the terrestrial network.

Respectfully submitted,

/s/

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[8] As with other obligations of the D block licensee with respect to public safety communications, the Commission has authority to ensure that first responders also have satellite-capable devices. In addition to the FCC's authority under Section 151 to make available "a rapid, efficient, Nation-wide, and world-wide wire and radio communication service…for the purpose of promoting safety of life and property through the use of wire and radio communication," Congress has specifically authorized the Commission to establish terms and conditions related to licensing of 700 MHz public safety spectrum, 47 U.S.C. § 337(a), an authority the Commission exercised in setting the basic structure of the partnership between the PSST and the D block licensee. *See also*, Section 309(j), which authorizes the FCC to establish a competitive bidding methodology that promotes new technology and service to rural areas; 47 U.S.C. § 303 (stating that if "the public convenience, interest, or necessity requires [, the Commission] shall . . . (r) . . . prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act"); *Schurz Communications, Inc. v. FCC*, 982 F.2d 1043, 1048 (7th Cir. 1992) (Communications Act invests Commission with "enormous discretion" in promulgating licensee obligations that the agency determines will serve the public interest).