



November 12, 2008

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

**Re: Reply of the MOBILE SATELLITE USERS ASSOCIATION
WT Docket No. 06-150; PS Docket No. 06-229**

Dear Ms. Dortch:

The Mobile Satellite Users Association (“MSUA”) hereby files this Reply to the Comments submitted in response to the Third Further Notice of Proposed Rulemaking released by the Commission on September 25, 2008 in connection with the above-captioned proceedings.

Experience has shown us that the United States needs to deploy and operate a nationwide, interoperable, wireless public safety communications network. The licensing of the 700 MHz D block provides an excellent opportunity to develop such a network and ensure it is implemented in a manner that best serves the emergency response community.

During many recent emergency situations, it has become apparent that the terrestrial communications infrastructure is insufficient to withstand natural and man-made disaster. Further, in many cases, basic wireless communications, much less advanced communications, are not available ubiquitously throughout the United States. This means that emergency responders and public safety personnel may be unable to communicate or must rely on separate systems and terminals that may not be immediately available. Satellites are uniquely situated to meet the critical needs of emergency response providers and are immune from the kinds of natural and man-made disasters that can affect ground-based infrastructure. Indeed in the aftermath of the 2004 and 2005 hurricanes, as well as Hurricane Gustav more recently, Mobile Satellite Service (“MSS”) systems remained intact and served as the primary, if not the only, communications link for many federal and state agencies operating in the affected regions. As a result, MSUA believes that it is essential for an MSS component to be incorporated as an integral part of the 700 MHz nationwide broadband public safety network, to provide both resiliency in the face of natural or man-made disaster and ubiquitous coverage.

In this regard, MSUA supports the proposals submitted by the Satellite Industry Association in this proceeding. *See* Comments of the Satellite Industry Association (November 3, 2008). Specifically, MSUA agrees that the Commission should retain the requirement that a D Block licensee make available at least one handset with an integrated satellite solution. As explained above, the benefits of an integrated satellite service are tremendous, and as others have demonstrated in this proceeding, the cost of providing dual-mode devices is very modest. *See* Letter from Mobile Satellite Ventures Subsidiary, LLC to Marlene H. Dortch (October 2, 2008); *see also* Comments of Ericsson Inc., at 28 (June 20, 2008).

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Further, MSUA supports the proposals requiring that: 1) dual-mode devices satisfying this requirement be made available within a reasonable period after licensing of the D Block spectrum, as determined in the Network Sharing Agreement (“NSA”); and 2) the Commission expand this requirement to include at least one model of each major device type with a minimum of 20% of all models being satellite-enabled, rather than limiting the requirement to a single handset. It is important that satellite-enabled devices be made available on a timely basis in order to ensure that public safety users are able to consider such equipment when making purchasing decisions. With respect to the second proposal, while a single device may be adequate for a voice-only network, public safety broadband network users may need to rely on a number of devices in different forms in order to meet their operational needs. Additionally, public safety users should have the option to select from a variety of dual-mode devices, rather than being limited to minimal number of choices.

MSUA also supports the Commission’s grant of additional flexibility to a D Block licensee to use satellite facilities to meet certain network resiliency and coverage requirements and agrees with SIA that the Commission should clarify that the terms of meeting both these alternative requirements should be specified in the NSA. As SIA explains, without such a qualification, it may be difficult to determine whether a licensee has in fact met these requirements, potentially frustrating the underlying purpose of granting such flexibility.

An increased reliance on MSS presents an appropriately balanced solution to the challenge of building a resilient and ubiquitous public safety network that is available sooner to more first responders. It provides immediate nationwide availability and interoperability. Such a network also provides greatly increased reliability and can introduce additional protections of priority access for public safety users during emergencies that saturate both the public safety spectrum and the D block spectrum.

The unique availability and reliability of MSS networks provide an effective, high value service to public safety users. In fact, public safety agencies, the national security community and the defense community are the heaviest users of MSS services today. Making MSS available and accessible to more agencies encourages improved interoperability, greater geographic coverage, and communications reliability independent of the condition of the terrestrial infrastructure. MSUA urges the Commission to leverage the satellite infrastructure that is already uniquely capable of addressing the particular needs of public safety in order to facilitate the construction and operation of a viable public-private partnership for the provision of a national broadband public safety network. Please contact the undersigned with any questions regarding this matter.

Respectfully submitted,



Tim Farrar
MSUA President