

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Fourteenth Annual Report and Analysis of)	WT Docket No. 09-66
Competitive Market Conditions with Respect)	
to Commercial Mobile Services)	

REPLY COMMENTS OF DBSD NORTH AMERICA, INC.

DBSD North America, Inc.¹ filed comments earlier in this proceeding as a member of the MSS/ATC Coalition.² The MSS/ATC Coalition’s comments focus on the status of next generation MSS systems, including the deployment of ATC to supplement those systems, and the markets in which those systems will compete, including the CMRS market. In these Reply Comments, DBSD expands upon the MSS/ATC Coalition’s comments. Specifically, MSS/ATC will soon provide exactly what the FCC had hoped when it initially decided to permit MSS providers to incorporate ATC into their MSS systems – more efficient use of spectrum and vigorous competition in mobile wireless services, including terrestrial CMRS. MSS/ATC combines the latest satellite and terrestrial wireless broadband technology with the rural coverage and virtual immunity to land-based disasters that only satellite technology can offer. Moreover, market-by-market build out of ATC allows deployment of increased network capacity where the

¹ DBSD (formerly ICO North America) is the parent company of New DBSD Satellite Services GP (“New DBSD”) and other subsidiaries. New DBSD was authorized in 2005 to provide MSS using a geostationary-orbit satellite. *ICO Satellite Services G.P.*, 20 FCC Rcd 9797, ¶ 1 (IB 2005). In January 2009, New DBSD received approval from the Commission to operate dual-mode mobile earth terminals (“METs”) and ATC facilities. *New ICO Satellite Services G.P.*, 24 FCC Rcd 171 at ¶¶ 33-34, 68-69 (2009). For convenience, DBSD North America, Inc. and its subsidiaries will be referred to as DBSD.

² Comments of the MSS/ATC Coalition in WT Docket 09-66 (June 15, 2009). The MSS/ATC Coalition filing these comments is comprised of DBSD North America, Inc., Inmarsat, Inc., TerreStar Networks, Inc., SkyTerra Subsidiary LLC, and Globalstar, Inc.

demand is greatest, while ubiquitous satellite coverage ensures service everywhere to anyone who wants it.

In April 2008, DBSD launched the first-of-its kind next generation MSS satellite DBSD G1, operating in the 2010-2020 MHz and 2180-2190 MHz bands. Throughout 2008 and 2009, DBSD has been testing and trialing the first-of its-kind MSS/ATC system. These activities have focused on leveraging the unique advantages of its satellite and ground-based-beam-forming (“GBBF”) system and their capability to support hybrid MSS/ATC services. The DBSD G1 S-band phased-array antenna, combined with GBBF, provides the DBSD system with the unprecedented capability to adjust communication beam size, shape, location, power, frequency assignments, and protocol employed – all from the ground. Transmit and receive capacity can be redistributed on a real-time basis. This powerful new capability will allow the DBSD satellite system to be adapted to changing service needs and support dynamic interaction with complementary terrestrial systems.

As the MSS/ATC Coalition illustrated in earlier comments, MSS/ATC will increase consumer choice by allowing operators to deploy an array of services, some of which will enhance competition in terrestrial wireless market segments and others of which will be entirely new to consumers and businesses. Employing the advanced antenna design along with innovative GBBF technologies, DBSD will be able to implement a variety of air interface protocols in unique and different ways. DBSD’s MSS/ATC system is able to simultaneously support different protocols and air interfaces with different requirements for coverage, power, and interference protection. This capability thus enables the simultaneous provision of a variety of services using multiple technology platforms. In addition, the flexibility of DBSD’s

MSS/ATC system allows the system to be reconfigured for other services as user demand or other market forces dictate.

By establishing multiple platforms for IP-based services, DBSD's MSS/ATC system will facilitate more mass market deployment through increased capacity, thus enabling delivery of service to far more customers than traditional two-way voice services have allowed to date. As emphasized by the MSS/ATC Coalition in its comments, by deploying MSS/ATC facilities MSS operators will achieve gains in spectrum efficiency through higher density use of MSS spectrum within a specific geographic area. Deploying DBSD's next-generation IP-based platforms for innovative and differentiated offerings will fully leverage unique MSS-based capabilities for advanced services to rural and otherwise unserved areas, enabling the implementation of next-generation mobile networks that will help meet the growing consumer demand for competitive data services. Reiterating the efforts of the entire MSS/ATC Coalition, MSS/ATC is exactly the kind of application that stands out as an attempt to advance the public interest by using new technology to make full use of spectrum.

CONCLUSION

DBSD requests that the Commission consider these comments in the above-captioned proceeding regarding the state of competition among CMRS providers.

Respectfully submitted,

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