July 7, 2011

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

Re: Comments of MOBILE SATELLITE USERS ASSOCIATION
ET Docket No. 10-142, WT Docket Nos. 04-356, 07-195

Dear Ms. Dortch:

The Mobile Satellite Users Association ("MSUA")[1] hereby files these Comments in response to the *2 GHz Range Public Notice* released by the Commission on May 20, 2011 in connection with the above-captioned proceeding.

Mobile Satellite Services (MSS) are essential for government and commercial users both within the United States and overseas. In particular, MSS networks 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, as the Commission has recognized in multiple prior proceedings. MSS thereby provides enormous benefits to the public, and MSUA believes that these benefits will only be increased as new and next generation MSS networks bring a wider variety of advanced services to market and increase competition to meet the needs of MSS end users.

Although today only a very limited number of MSS customers rely on the 2 GHz MSS band for their satellite services, this spectrum is currently allocated to two of the most advanced commercial communications satellites in orbit today, operated by DBSD North America ("DBSD") and TerreStar Networks ("TerreStar"), who between them have invested $1.5 billion to build and launch their satellites. DBSD and TerreStar operate in globally-harmonized MSS spectrum and have the potential to provide both *satellite and terrestrial* services of great public benefit, and it was precisely this dual purpose public benefit which was the cornerstone of the FCC's grant of Ancillary Terrestrial Component (ATC) authorizations to

[1] MSUA is a non-profit association created for, and dedicated to, promoting and safeguarding the interests of users of mobile satellite communications worldwide. While other associations and trade groups may promote the interests of spacecraft suppliers, equipment vendors, and the like, MSUA is focused specifically on representing the interests of users. MSUA performs its functions on behalf of its members by fostering greater communications and information exchange among and between mobile satellite system users, suppliers of equipment and services, operators of MSS satellite systems, financial markets, and various government entities that can impact the future of MSS services to its members. In addition, MSUA provides a means of assembling the views of MSS users on system and service concerns and for conveying these concerns to the appropriate authorities. Additional information about MSUA can be found at http://www.msua.org/.

the two companies.[2]

As MSUA noted in our September 14, 2010 filing in this docket, end user demand for MSS continues to increase and in the past, capacity constraints on MSS networks, particularly in the hotspots that occurred during disasters and other situations (such as Hurricane Katrina and earthquakes in Japan and Haiti), have already necessitated the FCC's issuance of Special Temporary Authority to help existing MSS operators meet the increased demand.[3] As a result, it would be significantly detrimental to current and potential future MSS users and to the wider public interest, if the 2ºGHz MSS bands were wholly reallocated to terrestrial services and the $1.5 billion of satellite investments made by DBSD and TerreStar and the advanced capabilities of the in-orbit 2 GHz MSS satellites were simply thrown away.

In the *2 GHz Range Public Notice*, the Commission has asked for "information on ways to assign licenses for standalone terrestrial services in an integrated 2 GHz band" via "voluntary approaches, under which MSS incumbents would agree to modification of their licenses, consistent with the public interest." As the Commission's *LightSquared Waiver Order*[4] made clear, such public interest benefits include "enhancing traditional MSS offerings by making mobile wireless broadband available in unserved areas and for public safety and homeland security purposes," which is precisely the purpose for which the DBSD and TerreStar satellites were designed and launched.

Rather than seeking the return of MSS spectrum or participation in voluntary incentive auctions, MSUA therefore believes that any modification of the licenses of the 2 GHz MSS providers to permit "standalone terrestrial services" should instead consider how to maximize the public interest benefit that will accrue to end users of *both* terrestrial wireless and MSS services, by optimizing the use of these unique satellite assets in globally harmonized MSS spectrum, in line with the Commission's *LightSquared Waiver Order*.

With respect to the specific "terrestrial spectrum concepts" described in the *2 GHz Range Public Notice*, MSUA notes that the DBSD and TerreStar satellites are designed to operate across the MSS uplink band from 2000-2020 MHz and the MSS downlink band from 2180-2200 MHz. Given that these satellites are already in orbit, it is infeasible to change the spectrum bands within which these satellites operate. MSUA believes that the Commission should ensure that the DBSD and/or TerreStar satellites continue to operate and provide MSS

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[2] *See* Order and Authorization DA 10-60, released Jan 10, 2010, granting TerreStar Networks Authority to Operate Ancillary Terrestrial Component Base Stations and Dual-Mode MSS-ATC Mobile Terminals in the 2 GHz MSS Bands at page 2 ("The Commission concluded that ATC operation would serve the public interest by facilitating increased network capacity, more efficient use of spectrum, extension of coverage for handset operation to places where MSS operators have previously been unable to offer reliable service, improved emergency communications, enhanced competition, and economies of scale in handset manufacture that would be passed on to consumers")

[3] *See* Iridium Satellite LLC, Special Temporary Authority, Grant of Authority, IBFS File No. SAT-STA-20050923-00181, Public Notice, Actions Taken, Report No. SAT-00324 (Oct. 7, 2005)(granting special temporary authority following Hurricane Katrina); Iridium Satellite LLC, Special Temporary Authority, Grant of Authority, IBFS File. No. SAT-STA 20100115-00011, Public Notice, Actions Taken, Report No. SAT-00661 (Jan. 22, 2010) (granting special temporary authority following the earthquake in Haiti); Iridium Satellite LLC, Special Temporary Authority, Grant of Authority, IBFS File. No. SAT-STA 20110311-00052, Public Notice, Actions Taken, Report No. SAT-00765 (Mar. 18, 2010) (granting special temporary authority following the earthquake and tsunami in Japan).

[4] *See* Order and Authorization DA 11-133, released January 26, 2011, at page 5

services in the current 2 GHz MSS spectrum allocation, and thereby ensure some continuing public interest benefit accruing from the satellite investment that DBSD and TerreStar have already made.

In addition it may be many years before terrestrial networks operating in the 2ºGHz spectrum band are built out, and in any case, there will remain substantial geographic areas within the United States and its coastal waters which will never be covered by terrestrial wireless networks. MSUA believes that the Commission should also consider how to facilitate the continued operation and provision of 2 GHz MSS services in those geographies where the 2ºGHz spectrum would otherwise go unused, wherever possible in the integrated mode of satellite-terrestrial operations contemplated both by the Commission's original ATC rules and the *LightSquared Waiver Order*. MSUA notes that such integrated satellite-terrestrial operations would be unlikely to be feasible under the 60 megahertz "concept" presented in the *2 GHz Range Public Notice*, but could potentially be compatible with either the 40 megahertz or 50 megahertz concepts.

Please contact the undersigned with any questions regarding this matter.

Respectfully submitted,

Tim Farrar
MSUA President