January 16, 2003

Via Electronic Filing and Hand Delivery
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Mobile Satellite Ventures Subsidiary LLC
***Ex Parte* Presentation**
IB Docket No. 01-185
File No. SAT-ASG-20010302-00017 et al.

Dear Ms. Dortch:

A central concern in this proceeding has been the need to protect certain co-channel satellite operations from potentially harmful interference caused by operation of the kind of ancillary terrestrial component ("ATC") that MSV has proposed to deploy to improve the quality of its satellite service. Comprehensive analyses by MSV, confirmed by an independent analysis conducted for the Canadian government, demonstrate that ATC can be deployed without causing harmful interference to Inmarsat. Commission technical staff appear to agree with these analyses. Nonetheless, the Commission apparently is considering adopting rules that would restrict these ATC operations.

If the Commission is to limit MSV's ability to deploy its planned ATC, MSV urges the Commission to minimize such restrictions as much as possible. In particular, any such restrictions must be based on two fundamental premises: (i) if MSV does not operate co-channel with other satellite systems, then no such restrictions are needed and (ii) if the amount of isolation between the co-channel operations is greater than that used to develop the restrictions, the restrictions should be relaxed accordingly. For the reasons discussed below, the Commission's rules will be rational only if these premises are accepted and integrated into the rules.

Today, only a small percentage of the spectrum on which North American L-band systems operate is shared co-channel and all of that spectrum involves at least 22 dB of isolation between the co-channel beams. All of the interference analyses conducted in this proceeding focus on the worst-case scenario of co-channel operation with some minimum isolation between the ATC operations and the beams of the potentially affected satellite system. The problem is that such worst case situations only occur on a handful of frequencies, while the restrictions apparently being contemplated would apply everywhere.

On those frequencies where MSV does not operate co-channel with other satellite systems, those restrictions cannot rationally be imposed because there is *ipso facto* no possibility for interference. Indeed, MSV understands that no such restrictions are being considered with respect to the ATC operations of MSS systems that do not operate in the L-band (i.e., those that operate in the Big LEO and 2 GHz band), since those systems do not share any co-channel spectrum.

Even in cases of co-channel operations, the greater the isolation between any satellite beam operating co-channel with an ATC facility, the smaller the potential for interference and the more relaxed any restrictions should be. For instance, if the Commission used 22 dB of isolation in the worst-case analysis on which the most restrictive rules will be based, more relaxed restrictions would be appropriate in cases in which the isolation is greater. At some point, when the co-channel satellite beam is below the horizon, the isolation is so great that it is effectively the same as non-co-channel operation.

As a pioneering operator that has built an excellent foundation for a successful, competitive service, MSV implores the Commission to adopt rules for L-band ATC that as much as possible give it the same flexibility as MSS licensees in other bands. Such parity is critical to MSV's ability to attract the capital investment required for so substantial an undertaking. The elimination or relaxation of restrictions for deployment of ATC on non-co-channel frequencies or those frequencies where there is additional isolation would provide important practical relief for MSV without in any way jeopardizing other satellite operators.

Very truly yours,

Lon C. Levin
Vice President

cc: Bryan Tramont
John Branscome
Sam Feder
Paul Margie
Barry Ohlson
Edmond Thomas
Bruce Franca
Rick Engelman
Chris Murphy
Ron Repasi
Breck Blalock
Paul Locke
Trey Hanbury