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January 17, 2003

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

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JAN 17 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **Ex Parte Presentation:**
IB Docket No. 01-185;
File No. SAT-ASG-20010302-00017 et al.;
File No. SES-ASG-20010116-00099 et al.

Dear Ms. Dortch:

This letter is written on behalf of Inmarsat Ventures plc in response to the January 16, 2003 *ex parte* submission of Mobile Satellite Ventures ("MSV"). In that filing, MSV essentially argues, if the Commission authorizes ATC in the L-band, that technical limits on L-band ATC operations should be based solely on protecting co-channel operations on Inmarsat satellites, and should take into account only those operations as they exist today.

There are a number of fundamental flaws in MSV's argument.

1. ATC use of the L-band raises the potential for three distinct types of potential interference into spacecraft operations: (1) co-channel interference into Inmarsat spacecraft, (2) adjacent channel interference into Inmarsat spacecraft, and (3) interference into MSV's own spacecraft. In addition, ATC poses an interference threat into MSS earth terminals, GPS, and other L-band MSS systems. If ATC is authorized in the L-band, all these types of interference need to be addressed in Commission's service rules. And the self-interference from ATC that will cause MSV to consume more L-band spectrum than it needs for pure MSS operations cannot be used to justify MSV's continued retention of more L-band spectrum than it actually uses to provide MSS service today. Contrary to what MSV implies, it would be arbitrary and capricious for the Commission to take into account only one type of **interference---co-channel** interference into Inmarsat.

2. Any ATC limits the Commission adopts must account for the fact that MSV's spectrum assignments can change on an annual basis as a result of the coordination process under the Mexico City MOU. Thus, ATC service rules *must account for (i) the eventuality that MSV will share all of its L-band frequency assignment on a co-channel basis with other satellite networks, and (ii) the fact that the satellite beams in which such sharing occurs changes over time.* It would be illogical to adopt MSV's proposal that (a) no restrictions be placed on ATC in parts of the L-band that MSV does not share today on a **co-channel basis**; and (b) that ATC

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sharing criteria be based on the technical parameters of the satellite beams last coordinated. That would be flatly inconsistent with U.S. obligations under the Mexico City international coordination agreement. Moreover, it would reward MSV for declining to engage in international spectrum coordination under the Mexico City MOU for the past three years, and thereby retaining access to far more L-band spectrum than it actually uses for MSS service.

MSV's proposal would result in ATC rules that would effectively grandfather ATC operations at high power levels that are certain to preclude future satellite spectrum sharing by Inmarsat and other MSS systems that use the crowded L-band. For this reason, Inmarsat has urged the Commission to ensure that ATC operations can be "retuned" to take into account the dynamic frequency assignments that occur under the Mexico City MOU. *The only way that can occur is if ATC service rules designed to prevent co-channel interference apply across the board, in every part of the L-band.*

3. MSV's proposal that ATC service rules be based on the state of spectrum sharing *today* with Inmarsat's I-3 series of spacecraft ignores the inescapable fact that the first I-4 satellite will be launched *in 2004*. **As** Inmarsat has shown before, I-4 uses advanced technology to significantly increase the spectrum efficiency of its network. Inmarsat is spending over \$1.6 Billion to implement the I-4 program, which will be able to share more L-band spectrum with MSV on a co-channel basis, over a much wider geographic area, than ever before. *Any ATC service rules therefore, at a minimum, must rake into account the imminent operations of Inmarsat-4, and the increased co-channel sharing of the L-band that will occur once that system commences operations in 2004.*

4. MSV's proposal to base ATC service rules solely on the state of sharing with the current generation Inmarsat satellites is antithetical to sound spectrum planning. Inmarsat has explained on many occasions how historical improvements in satellite technology have (i) increased the efficient use of satellite spectrum, (ii) improved the quality of service to the public, (iii) lowered the price of service to the public, and (iv) allowed the use of lower cost and more easily deployed earth terminals. At the same time, however, those improvements have made satellite networks more susceptible to terrestrial interference. Inmarsat thus has urged the Commission, in any ATC service rules that it may adopt, to provide some "headroom" for future spacecraft technology development. Loosening the technical limits under consideration, as MSV urges, based on the "isolation" of a specific satellite beam in use today, would constrain the deployment of more efficient satellite technology.

5. MSV's argument for the wholesale *elimination* of ATC restrictions in frequencies not shared on a co-channel basis today ignores the record evidence that ATC use of the L-band (as well as the Big LEO band) presents a threat of *adjacent channel* interference into (i) Inmarsat's L-band services, and (ii) GPS services in nearby bands. This last-minute request is wholly unsubstantiated and fundamentally at odds with the record in this proceeding.

6. The COMTEK Report to which MSV alludes does not demonstrate that ATC can be deployed without causing harmful interference into Inmarsat, and more fundamentally does not ~~even~~ attempt to address what service rules must be implemented to avoid harmful

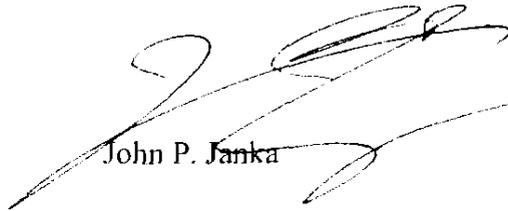
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interference from ATC into satellite operations. Moreover, COMTEK noted that many issues related to the deployment of ATC require further study, and Inmarsat explained in a December 19, 2002 *ex parte* submission a number of serious shortcomings in the COMTEK Report. In sum, nothing in the COMTEK Report obviates the need for rigorous ATC service rules that protect current and future Inmarsat satellite operations from co-channel and adjacent channel ATC interference.

In conclusion, Inmarsat urges the Commission not to allow MSV to cloud the technical issues in this proceeding with its plea for “parity” between ATC restrictions in the L-band and ATC restrictions being considered in other MSS bands. Due to the extensive use of the L-band by MSS satellite networks today, and the highly-efficient manner in which that band is shared on a co-channel basis by many different satellite networks around the world, it is incumbent on the Commission to adopt ATC restrictions that adequately protect L-band MSS operations by other satellite systems. That need may not exist in other MSS bands where each satellite system has exclusive access to its own band segment. But the technical challenges of deploying ATC in the L-band are not of the Commission’s own making, and MSV cannot wish away those problems by complaining that the need to protect L-band MSS systems from interference impedes MSV’s ability to raise capital for ATC.

An original and **five** copies are enclosed,

Respectfully submitted



John P. Janka

cc:

Bryan Tramont
John Branscome
Paul Margie
Sam Feder
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Ed Thomas
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