

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

In the Matter of	)	
	)	
Use of Portions of Returned 2 GHz	)	IB Docket No. 05-221
Mobile Satellite Service Frequencies	)	

**REPLY COMMENTS OF  
THE MOBILE SATELLITE USERS ASSOCIATION**

The Mobile Satellite Users Association (“MSUA”) hereby files these Reply Comments addressing the Commission’s options for redistributing or reallocating forty megahertz (“40 MHz”) of spectrum in the 2 GHz mobile satellite service (“MSS”) bands, and the Comments of the various Parties with respect to these options.<sup>1</sup> As set forth in more detail below, MSUA fully supports and endorses the Comments of the Satellite Industry Association (“SIA”), the European Satellite Operators Association (“ESOA”), and the Satellite Action Plan Regulatory Group (“SAP-REG”). In this regard, MSUA also recommends that the forty megahertz of spectrum allocated to the MSS be retained and continue to be assigned for this purpose. The availability of this spectrum is vital to the financial stability of the MSS industry, to the development of the next generation MSS networks, to the growth of new and innovative MSS services and to the provision of critical emergency MSS services particularly in remote areas and to underserved users. In support of these Reply Comments, MSUA submits as follows:

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<sup>1</sup> See *Commission Invites Comments Concerning Use of Portions of Returned 2 GHz Mobile Satellite Service Frequencies*, Public Notice, FCC 05-134, IB Docket No. 05-221 (rel. June 29, 2005) (“Notice”).

The Mobile Satellite Users Association 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 US spacecraft suppliers, US equipment vendors, and the like, MSUA is focused specifically on representing the interests of users. Accordingly, MSUA members are the “using public” with respect to mobile satellite communications.

The 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. It is with this objective that MSUA submits these Reply Comments.

First, MSUA concurs with those Parties that have demonstrated that MSS users will derive substantial benefit from consistent frequency allocations to the MSS in the 2 GHz band on a global basis. Global and regional interoperability and economies of scale result in direct cost savings to users. Without such economies and operational benefits, MSS users will not be able to fully utilize the MSS systems for the full range of their services. Users will be forced to rely on less reliable and less universal systems designed for other purposes. A retention of the current MSS allocation will prevent this.

Second, mobile satellite services, owing to the technology, are uniquely able to serve remote areas and underserved regions. Remote areas have been identified by the Commission as a primary area of concern for the introduction of new data services, Internet

services, broadband services, and the like. Users in these areas have a right to expect the Commission to live up to this promise. Further, users are developing new applications based on current expectations. A reallocation will certainly dim these expectations and application efforts.

Third, after 9/11, ground-based disasters have taken on new importance. MSS networks are not impacted by such disasters. The Federal Emergency Management Agency (“FEMA”), the Department of Homeland Security (“DHS”) and the Customs Service (“Customs”), among others, have begun to recognize the unique and dominant position of the MSS in meeting first-response capabilities. Users believe that first-response and emergency services must take precedence. A reallocation of the 40 GHz to any other use would prevent this and jeopardize these types of services.

Fourth, MSS users believe that the forty-megahertz of allocated MSS spectrum should not be considered, as the Commission appears to do, as “newly available spectrum”. Rather, this MSS spectrum should be seen as “existing” and as still required for MSS services. The loss of satellite operators does not alter the needs of users! These user needs remain and this spectrum need remains. Without available spectrum, this need will not be able to be satisfied through either existing systems or new systems. Retaining this allocation would help to ensure available services where they are needed by users.

Fifth, and finally, the mobile satellite industry is consolidating, along with the terrestrial telecommunications industry. The terrestrial industry has received substantial new allocations. During this period of consolidation and convergence, users believe that it is imperative that regulators not restrict the availability of new services and the opportunities for new, more efficient operations for MSS. The MSS service fulfills a vital need and it deserves to be fostered. Without such a neutral treatment, and the retention of the existing spectrum, MSS

will not be able to meet the expectations set forth for the service at the time of the original allocations.

Accordingly, the MSUA, and its members, request that the Commission provide the spectrum necessary to deliver the unique benefits of MSS services to users, including consumers and public safety agencies, by maintaining the existing 2 GHz MSS allocation for the MSS.

Respectfully Submitted,

Mobile Satellite Users Association

A handwritten signature in cursive script that reads "George Zachmann". The signature is written in black ink and has a long, horizontal flourish extending to the right.

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