



June 18, 2008

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

**Re: Comments of MOBILE SATELLITE USERS ASSOCIATION
WT Docket No. 06-150; PS Docket No. 06-229**

Dear Ms. Dortch:

The Mobile Satellite Users Association (“MSUA”)¹ hereby files these Comments in response to the Second Further Notice of Proposed Rulemaking (“Second FNPRM”) released by the Commission on May 14, 2008 in connection with the above-captioned proceedings.

Introduction and Discussion

Experience has shown us that the United States needs to deploy and operate a nationwide, interoperable, wireless public safety communications network. The licensing of the 700 MHz D block provides an excellent opportunity to develop such a network and ensure it is implemented in a manner that best serves the emergency response community.

During many recent emergency situations, it has become apparent that the terrestrial communications infrastructure is insufficient to withstand natural and man-made disaster. Further, in many cases, basic wireless communications, much less advanced communications, are not available ubiquitously throughout the United States. This means that emergency responders and public safety personnel may be unable to communicate or must rely on separate systems and terminals that may not be immediately available. Satellites 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. Indeed in the aftermath of the 2004 and 2005 hurricanes, MSS systems remained intact and served as the

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 U.S. spacecraft suppliers, U.S. 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. 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://msua.org/default.asp>.

primary, if not the only, communications link for many federal and state agencies operating in the affected regions.² As a result, MSUA believes that it is essential for a Mobile Satellite Service (“MSS”) component to be incorporated as an integral part of the 700 MHz nationwide public safety network, to provide both resiliency in the face of natural or man-made disaster and ubiquitous coverage that may not be cost effective to provide in any other manner. MSUA therefore urges the Commission to maintain its commitment “to strongly encourage and facilitate the incorporation of satellite-based communications capability into public safety networks.”³

MSUA recognizes that, as highlighted in the Second FNPRM, it will not be possible to realize the public-private partnership envisaged by the FCC if the D-block is subject to mandates that prevent the eventual licensee building a cost-effective network. MSUA believes that even though there are some inherent limitations associated with satellite services (in that satellite links generally do not work reliably inside buildings), the use of satellite to provide additional coverage and resiliency can make the public safety network more cost-effective, while still meeting the essential requirements of the public safety community. In particular, we support the concept envisaged in the Second FNPRM, that satellite coverage may in some circumstances be counted towards the rural buildout obligations of the D-block licensee. We also suggest that the (inherently independent) backup capability provided by satellite might in some cases allow cost savings to be made in the provision of “hardened” or redundant base stations and backhaul links. Indeed, the Commission recently concluded in this proceeding that “the availability of satellite-based communications capabilities would serve to bolster the availability, robustness, and survivability of public safety communications networks, particularly in circumstances of the direst nature where the safety and security of Americans are greatly at stake.”⁴

Nevertheless MSUA acknowledges that it may not be cost effective to mandate that all devices made available to the public safety community must be satellite-enabled. There are also a variety of satellite services available each with their own advantages and limitations. In particular, the choice of satellite service that is optimal for public safety personnel in one area, such as Virginia, may be different from the satellite service that is optimal in Northern Alaska, where geostationary satellites may have difficulty providing reliable coverage. In the latter case it may be preferable to select a low Earth orbit (LEO) satellite system, even if it offers somewhat

² See, e.g., Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, *Report and Recommendations to the Federal Communications Commission*, at p. 24 (“[S]atellite infrastructure was generally unaffected by the storm and could have provided a viable back-up system.”).

³ See *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, WT Docket No. 06-150, *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services*, WT Docket 03-264, *Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission’s Rules*, WT Docket No. 06-169, *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, PS Docket No. 06-229, *Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, WT Docket No. 96-86, *Declaratory Ruling on Reporting Requirement under Commission’s Part 1 Anti-Collusion Rule*, WT Docket No. 07-166, 22 FCC Rcd 15289, at ¶ 463 (2007) (“700 MHz Second Report and Order”).

⁴ 700 MHz Second Report and Order, at ¶ 463.

less functionality. As a result, the public safety community may not be best served if the D-block licensee enters into an exclusive arrangement with a single satellite provider. Instead, just as public safety users are expected to be able to purchase terminals compatible with the public safety network from a variety of suppliers, we suggest that public safety users should be permitted to purchase terminals that are compatible with the satellite system that best meets their needs and budget. Of course it would be necessary for the various satellite providers to be adequately “qualified” in terms of providing a common minimum set of services and making a sufficient demonstration of interoperability, both with the terrestrial network and with other qualified satellite services.

In order for satellite coverage to be counted towards either the rural buildout obligations or the base station “resiliency” requirements assumed by the D-block licensee in a given area, it will be necessary to ensure that a critical mass (and perhaps even the majority) of public safety personnel in that region have access to integrated satellite capability in their terminals. Given the potential savings accruing to the D-block licensee from use of satellite coverage, it may be beneficial for subsidies to be offered by the licensee in order to promote the purchase of satellite-capable terminals by public safety users. In such a case, the FCC should ensure that these subsidies are not applied in a discriminatory fashion amongst the various “qualified” satellite providers.

In short, a range of mobile satellite services can form a practical and indispensable part of a robust, ubiquitous and cost-effective national public safety communications network and the FCC’s rules should recognize them as such, by providing appropriate incentives to the licensee to incorporate such services into their overall service offering.

Summary
MSUA's Proposal Has Substantial Public Interest Benefits

An increased reliance on mobile satellite services presents an appropriately balanced solution to the challenge of building a cost-effective, resilient and ubiquitous public safety network that is available sooner to more first responders. It provides immediate nationwide availability and interoperability, and helps provide economies of scale and cost savings that benefit public safety users and consumers alike. It provides greatly increased reliability and can introduce additional protections of priority access for public safety users during emergencies that saturate both the public safety spectrum and the D block spectrum.

The unique availability and reliability of MSS networks provide an effective, high value service to public safety users. In fact, public safety agencies, the national security community and the defense community are the heaviest users of MSS services today. Making MSS services available and accessible to more agencies encourages improved interoperability, greater geographic coverage, and communications reliability independent of the condition of the terrestrial infrastructure. MSUA urges the Commission to leverage the satellite infrastructure that is already specifically designed to address the unique capabilities of public safety in order to facilitate the construction and operation of a viable public-private partnership for provision of a national public safety network by the D-block licensee.

Please contact the undersigned with any questions regarding this matter.

Respectfully submitted,



Tim Farrar
MSUA President