MSUA
MOBILE SATELLITE USERS ASSOCIATION

September 14, 2010

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

Dear Ms. Dortch:

The Mobile Satellite Users Association ("MSUA")1 hereby files these Comments in response to the Notice of Proposed Rulemaking and Notice of Inquiry ("NPRM/NOI") released by the Commission on July 15, 2010 in connection with the above-captioned proceeding.

Introduction and Discussion

Mobile Satellite Services (MSS) are essential for government and commercial users both within the United States and overseas. Indeed many US MSS customers use these services on a global basis, whether it is CNN transmitting live news over Inmarsat BGAN terminals from disaster zones, or the US military using Iridium phones in Iraq and Afghanistan. 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. Based on their proven reliability, which has been demonstrated over the last 30+ years, MSS networks are also used to provide internationally mandated safety services for maritime and aeronautical users.

As the FCC emphasizes in the NPRM/NOI, it is necessary to "ensure that the United States continues to have market-wide MSS capabilities" due to the "importance of maintaining MSS to provide services, for example, to public safety and Federal government agencies, to rural areas, and during natural disasters".

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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. 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/.

Examples of key MSS applications and customers who use their terminals on a regular basis, include:

- Major U.S. and international media organizations, such as CNN, use Inmarsat BGAN terminals to transmit live news both within the U.S. and around the world. Because of its small size, yet high bandwidth voice and data capabilities, BGAN is ideal for rapid deployment and easy set up and operation by non-technical personnel all over the world. Examples of recent use of BGAN by major customers include reports filed from disaster areas, such as Haiti, war zones, such as Afghanistan and Iraq, and sports events, like the World Cup and the Olympics. Inmarsat's network has been customized to meet the various demands of broadcasters including for live broadcasting (384 kbps up to 450 kbps), store and forward video footage, print/photo journalism reports directly from the field, and remote news bureau connectivity for temporary communications to permit journalists to use the same applications that they would have access to in the newsroom. These services cannot be replicated by either terrestrial wireline or wireless alternatives, or supported by fixed satellite services, with their much larger terminals.

- The Mississippi Department of Wildlife, Fisheries and Parks used SkyTerra (now LightSquared) to communicate statewide in the aftermath of Hurricane Katrina. The MDWFP law enforcement satellite radio system was the only one in the state at the time and it was one of the ways by which the Governor's office was able to contact NEMA and FEMA. With cell towers wiped out, landlines disabled and power out, MSS provided an essential link for emergency personnel on the Gulf Coast to communicate while responding to this unprecedented catastrophe.

- The U.S. Department of Defense and U.S. Armed Forces, as well as most U.S. Civilian Departments, Bureaus and Agencies, including U.S. and Coalition Forces in Afghanistan and Iraq, rely heavily on Iridium MSS communications services for defense and civilian operations. Indeed, the Department of Defense owns and operates a dedicated gateway that directly operates off of Iridium's network. Defense users require voice and two-way data capability with global coverage, low latency, mobility and security, and often have no alternate terrestrial communication capability, or rely on MSS as an important backup system. Iridium's services have also been crucial in response and recovery efforts following recent national and international emergencies. For example, relief organizations including United Nations agencies, the American Red Cross, FEMA, the U.S. Department of Defense, the U.S. State Department, the Mexican Red Cross, and others relied on the Iridium 9555 handset for their communications needs in Haiti following the recent devastating earthquake in that nation. In total, Iridium serves more than 383,000 subscribers worldwide, and in some parts of the world, Iridium's global satellite constellation, which consists of sixty-six low-earth orbiting ("LEO"), cross-linked satellites, is the only available communications connection.

- In 2007, Globalstar's subsidiary, Spot LLC, introduced the first-ever MSS product line designed specifically for the consumer market - the SPOT Satellite GPS Messenger (the "SPOT"). The SPOT is a hand-held personal tracking and emergency messaging product that combines a GPS receiver with a multi-featured MSS Big LEO

L-band transmitter. The SPOT works in any location within Globalstar's global MSS footprint. The user can transmit his or her GPS coordinates and status updates to any e-mail or SMS address in the world or an SOS message to Globalstar's emergency response center. Since November 2007, the SPOT has been used to initiate more than 650 rescues in over 50 countries on land and at sea. In 2009 SPOT won MSUA's Innovation Award, and it has garnered many other honors including the Wall Street Journal's Innovation Award and Good Housekeeping Magazine's Innovative Product award.

These users rely on MSS today and can be expected to do so for the foreseeable future, both in their everyday work and in emergency or disaster situations. MSUA therefore believes that it is essential to protect the interests of MSS users, many of whom have no alternative way of meeting their communications needs, when considering "opportunities for terrestrial use in specific MSS bands". The FCC has spent nearly a decade formulating its Ancillary Terrestrial Component (ATC) rules, and MSS operators have developed their business plans based on compliance with these rules.

In the L-band and Big LEO bands MSUA believes it is essential that any use of MSS spectrum for terrestrial mobile broadband is based on there being *no reduction* in the spectrum available for MSS, particularly as end user demand for MSS continues to increase. Due to new terminals supporting higher speed data, such as Inmarsat's BGAN and Iridium's OpenPort, as well as the advanced satellite devices which will operate on LightSquared and Globalstar's next generation satellite networks, end user demand for MSS, especially in the Big LEO and L-Band, is growing sharply and will continue to increase. In the past, capacity constraints on MSS networks, particularly in the hotspots that occurred during disasters and other situations (such as Hurricane Katrina and Haiti), have already necessitated the FCC's issuance of Special Temporary Authority to help the operators meet the increased demand. Given the increasing demands on MSS, the Commission should not reallocate spectrum away from MSS and should instead ensure that the capacity needs of MSS operators and end users are met now and in the future.

As a result, MSUA believes that any suggestion that spectrum within the L-band and Big LEO bands (which have been intensively used for many years around the world) should be permanently reallocated from MSS to terrestrial mobile broadband is misguided and would in any case be inconsistent with the United States' international obligations. Even in the 2GHz band, where there is no commercial usage at present and a co-primary Fixed and Mobile designation is consistent with the international table of allocations, MSUA believes that the FCC should consider carefully whether the potential for future MSS services can be preserved. In this regard, in the event that one or both of the 2 GHz MSS licenses were to be returned or cancelled for any reason, MSUA believes that the FCC should consider not only whether the returned spectrum could be used for terrestrial mobile broadband deployment, but also whether any alternatives exist which would also allow satellite services to be offered in that band. In particular, satellites have already been built and launched to operate in the 2GHz band in North America, which operate in globally-harmonized MSS spectrum and could provide services of great public benefit, and it would therefore not be in the interests of potential MSS users and the wider public to allow this $1.5 billion of investment to go to waste.

MSUA believes that imposing spectrum fees for MSS spectrum or for ATC

deployment would deter investment in both MSS and ATC networks. One key reason for this is the uncertainty about the level at which future spectrum fees will be set by various regulators. MSUA is extremely concerned that any precedents set with regard to the imposition of spectrum fees for ATC could be used in some countries as an excuse to charge additional fees on use of this spectrum for satellite-only services. Given that one of the key benefits of MSS networks is in their wide area coverage, with operators typically providing service in multiple countries or even on a global basis, a decision by one regulator to charge fees for use of MSS spectrum could undermine the business case for investment in an MSS network which would provide critical services in many other countries, as well as in oceanic regions where there is no realistic alternative to satellite services. Even the uncertainty associated with *possible* spectrum fees (whether for terrestrial or satellite use) can and does have a detrimental effect on potential investments to provide new satellite services.

The MSS market in North America has seen considerable new investment over the last decade, founded in large part on the regulatory certainty provided by the FCC's ATC rules. As a result, MSUA believes that there is no realistic alternative to the Commission's carefully formulated and tested ATC framework as the means to utilize L-band and Big LEO band MSS spectrum in terrestrial mobile broadband networks.

However, applying at least some form of the secondary market spectrum licensing rules to the MSS spectrum bands should simplify the process of enabling MSS spectrum to be used for terrestrial mobile broadband networks, provided protections are maintained to prevent interference into the MSS offerings. These lessees should obviously operate under the terms of existing MSS-ATC licenses, and any waivers or modifications requested as part of these lease agreements must be considered in detail by the Commission, with the opportunity for public comment.

MSUA also recognizes the desire of the Commission to increase the "value, utilization, innovation, and investment in MSS spectrum". Under the Commission's current ATC rules, MSS-ATC licensees "could demonstrate that all handsets offered were dual-mode (MSS and ATC) or could submit individualized substantial showings to demonstrate integrated service". MSUA believes it is essential that all MSS-ATC licensees demonstrate they are still providing substantial satellite service, so that MSS end users are able to benefit fully from the resulting increases in investment in MSS spectrum.

MSS already provides enormous benefits to the public, particularly given its widespread use in disaster situations, such as hurricanes and earthquakes, and MSUA believes that these benefits will only be increased as new MSS networks bring a wider variety of advanced services to market and increase competition to meet the needs of MSS end users. In evaluating any potential case-by-case changes to MSS-ATC licenses, MSUA therefore believes that the FCC should focus on how to maximize such public service benefits of MSS rather than on application of spectrum fees or other charges which have demonstrably had such a negative effect on investment decisions in other countries.

Summary

MSUA recognizes the desire of the Commission to increase the "value, utilization, innovation, and investment in MSS spectrum", but believes that it is essential to protect the interests of MSS users, when considering "opportunities for terrestrial use in specific MSS bands". The FCC has spent nearly a decade formulating its Ancillary Terrestrial Component (ATC) rules, and MSS operators in North America have made considerable new investments, founded in large part on the regulatory certainty provided by these rules.

It is clear that the potential imposition of spectrum fees (whether on ATC or MSS services) has had a negative effect on investment decisions in other countries. As a result, MSUA believes that there is no realistic alternative to the Commission's carefully formulated and tested ATC framework as the means to utilize L-band and Big LEO band MSS spectrum in terrestrial mobile broadband networks.

Given the enormous benefits of MSS to the general public, particularly given its widespread use in disaster situations, such as hurricanes and earthquakes, MSUA believes that the Commission should focus particularly on how to maximize such public service benefits. These benefits will only be increased as new MSS networks bring a wider variety of advanced services to market and increase competition to meet the needs of MSS end users. However, it is essential that all MSS-ATC licensees demonstrate they are still providing substantial satellite service, so that MSS end users are able to benefit fully from the increased investment in MSS spectrum and networks which MSUA hopes will result from this proceeding.

Please contact the undersigned with any questions regarding this matter.

Respectfully submitted,

Tim Farrar
MSUA President