

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

In the Matter of)	
)	
Inmarsat Global Limited)	File Nos. SAT-PDR-20050926-00184
)	SAT-AMD-20051116-00221
)	
Petition for Declaratory Ruling to Provide)	
Mobile Satellite Service to the United States)	
Using the 2 GHz and Extended Ku-Bands)	

ORDER

Adopted: **December 9, 2005**

Released: **December 9, 2005**

By the Chief, International Bureau:

I. INTRODUCTION

1. In this Order, we dismiss the request of Inmarsat Global Limited (Inmarsat) for a declaratory ruling that would reserve spectrum for a geostationary satellite, to be located at the 113° W.L. orbital location. The satellite would operate with service links in the 2 GHz Mobile Satellite Service (MSS) frequency band, with feeder links in the extended Ku-Band.¹

2. In early 2005, three of the five 2 GHz MSS satellite operators that at that time held 2 GHz MSS spectrum assignments surrendered their assignments--Iridium LLC (Iridium) on March 16, 2005, The Boeing Company (Boeing) on March 28, 2005, and Celsat America, Inc. (Celsat) on April 12, 2005--leaving two satellite operators, ICO and TMI, with spectrum reservations in the 2 GHz MSS band.² As a result, 12 of the 20 megahertz allocated for MSS in each direction in the 2 GHz band was not at that time assigned to any system.

3. On June 29, 2005, the Commission released two public notices³ concerning the possible reassignment or reallocation of this spectrum. Inmarsat filed comments in the

¹ Specifically, Inmarsat requests MSS spectrum in the 2000-2020 MHz (uplink) and 2180-2200 MHz (downlink), and feeder link and tracking, telemetry and command ("TT&C") spectrum in the 13.8-14.0 GHz and 11.5-11.7 GHz frequency bands.

² Letter from Peter D. Shields, Counsel to Iridium, to Secretary, FCC, (dated Mar. 16, 2005); Letter from Joseph P. Markoski and Bruce A. Olcott, Counsel for The Boeing Company, to Secretary, FCC (dated Mar. 28, 2005). Letter from David D. Otten, Chairman and Chief Executive Officer, Celsat, to Secretary, FCC (dated Apr. 12, 2005).

³ Commission Invites Comments Concerning Use Of Portions Of Returned 2 GHz Mobile Satellite Service Frequencies, *Public Notice*, IB Docket No. 05-220, 20 FCC Rcd 12231 (2005). Commission Invites Comments Concerning Use Of Portions Of Returned 2 GHz Mobile Satellite Service Frequencies, *Public*

proceeding, arguing that some 2 GHz MSS spectrum should be available for other systems. On September 26, 2005, it filed its request for declaratory ruling. TMI and ICO opposed acceptance for filing of the request, and the parties filed a number of pleadings concerning the question of acceptability for filing.⁴ On December 9, 2005, the Commission released an Order addressing the record developed in response to the public notices.⁵ The Commission concluded that the public interest would be served by reserving the available spectrum for use by TMI and ICO, and declined to initiate a processing round for additional 2 GHz MSS systems.

4. The Commission may issue a declaratory ruling “terminating a controversy or removing uncertainty.”⁶ In light of the comprehensive ruling on the matter of returned spectrum contained in the Commission’s Order, we conclude that acceptance for filing of Inmarsat’s application and initiation of an additional proceeding would be inconsistent with the determinations reached in that Order, and unnecessary in order to terminate a controversy or remove uncertainty. Therefore, we dismiss Inmarsat’s request.⁷

5. Accordingly, IT IS ORDERED that, pursuant to Section 1.2 of the Commission's rules, 47 C.F.R. §§ 1.2, Inmarsat’s request for declaratory ruling, File No. SAT-PDR-20050926-00184, as amended by File No. SAT-AMD-20051116-00221, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Donald Abelson
Chief, International Bureau

Notice, IB Docket No. 05-221, 20 FCC Rcd 12234 (2005).

⁴ See ICO’s Opposition to Petition for Declaratory Ruling, filed October 6, 2005; TMI’s Objection to Acceptance of Application for Filing, filed October 6, 2005 (filed jointly with its affiliated entity, Terrestar); Letter from Gregory Staple and Jonathan D. Blake, counsel, respectively, for TMI and Terrestar, to Marlene H. Dortch, Secretary, FCC, dated October 12, 2005; Inmarsat’s Consolidated Response, filed October 17, 2005; TMI’s Reply to Response, filed October 24, 2005.

⁵ Use of Returned Spectrum in the 2 GHz Mobile Satellite Service Frequency Bands, *Order*, FCC 05-204 (released December 9, 2005).

⁶ See 47 C.F.R. § 1.2.

⁷ Although the Commission’s Order concerned only 2 GHz MSS frequencies, we decline to consider Inmarsat’s other frequency requests, since, in the absence of available service link frequencies, a request for feeder link frequencies does not allow for a viable MSS system. See *Echostar Satellite LLC, Memorandum Opinion and Order*, 19 FCC Rcd 7846, 7853-54 ¶ 21 (Sat. Div., Int’l. Bur. 2004).