



PUBLIC NOTICE

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OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES INMARSAT, INC. APPLICATION FOR LICENSE IN THE EXPERIMENTAL RADIO SERVICE TO BE A "PERMIT-BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES

On February 7, 2006, Inmarsat, Inc. filed an application (File No. 0059-EX-PL-2006) for a license for a new station in the Experimental Radio Service. Inmarsat states that its parent company, Inmarsat plc, owns a fleet of L-band Mobile-Satellite Service ("MSS") satellites over which it offers the Broadband Global Area Network ("BGAN") service in other parts of the world. Inmarsat plans ultimately to offer BGAN service in the United States over the Inmarsat-4F2 satellite. By its application, Inmarsat seeks authority to operate four different types of mobile earth terminals in conjunction with the Inmarsat-4F2 satellite in order to allow Inmarsat, its manufacturers, distributors, and resellers to: (i) conduct technical demonstrations and testing of BGAN service and these terminals to ensure that performance is in accordance with design specifications; (ii) demonstrate performance of the terminals to prospective purchasers; and (iii) perform limited market studies.¹

On February 9, 2006, Mobile Satellite Ventures Subsidiary LLC ("MSV") filed a motion to designate the status of this licensing proceeding under the *ex parte* rules as "permit-but-disclose."² MSV alleges that Inmarsat's proposal to test and demonstrate terminals with an "uncoordinated"³ Inmarsat-4 satellite in the L-band raises policy and complex technical issues that are intertwined with similar applications pending before the Office of Engineering and

¹ Inmarsat Application, File No. 0059-EX-PL-2006, Response to Question 7.

² See Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206.

³ In opposing the HNS and ARINC applications, *infra* note 4, MSV has alleged that the proposed frequencies were coordinated for MSV's own use under a 1999 spectrum sharing arrangement, then loaned to Inmarsat on a temporary basis, but Inmarsat now refuses to refrain from using these frequencies on its Inmarsat 4 satellites.

Technology and the International Bureau.⁴ These similar applications have been designated as permit-but-disclose proceedings.⁵

Based on the record, OET concludes that in order to permit a fuller exchange on the important issues raised by the application, the public interest would be served by classifying the instant experimental radio licensing proceeding as "permit-but-disclose" for *ex parte* purposes in accordance with Section 1.1200(a) of the Commission's rules and subject to the requirements under Section 1.1206(b) of the rules.⁶

In order to facilitate full, efficient, and timely consideration of the issues, OET encourages parties with common interests on the issues to work together and file joint submissions to the Commission whenever possible.

Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b)(2).

Parties are encouraged to make any *ex parte* contacts or submissions within 30 days of this notice, to ensure their timely consideration prior to any further actions on the subject applications.

For further information, contact Charles Iseman, Deputy Chief, Electromagnetic Compatibility Division, OET, charles.iseман@fcc.gov, (202) 418-2444.

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⁴ *See* MSV Motion at n.2 (citing the following applications: Hughes Network Systems Sub LLC ("HNS"), File No. 0137-EX-ML-2005 (November 15, 2005); Aeronautical Radio, Inc. ("ARINC"), File No. 0327-EX-PL-2005 (November 8, 2005); Stratos Communications, Inc., File No. SES-LFS-20050826-01175 (August 26, 2005); Telenor Satellite, Inc., File No. SES-LFS-20050930-01352 (September 30, 2005); and FTMSC US, LLC, File No. SES-LFS-20051011-01396 (October 11, 2005).

⁵ *See Public Notice*, DA 05-3177, released December 12, 2005 (OET); and *Public Notice*, Report No. SES-00767, released November 16, 2005 (IB).

⁶ 47 C.F.R. §§ 1.1200(a) and 1.1206(b). To the extent the applications cited by MSV, *supra* note 4, raise similar policy and technical issues, designating the instant applications as permit-but-disclose also promotes the public interest by enabling the administrative efficiency that results from affording all these applications similar treatment under the *ex parte* rules.