

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

In the Matter of
Use of Returned Spectrum in the 2 GHz Mobile
Satellite Service Frequency Bands
IB Docket No. 05-220
IB Docket No. 05-221

ORDER

Adopted: May 22, 2013

Released: May 22, 2013

By the Acting Chief, Satellite Division, International Bureau:

1. By this Order, we dismiss the "Consolidated Petition for Reconsideration of Inmarsat Ventures Limited and Inmarsat Global Limited" filed in the above-captioned proceedings on January 9, 2006. We take this action pursuant to the AWS-4 Report and Order and the related Order of Modification.

2. In 2006, Inmarsat Ventures Limited and Inmarsat Global Limited (Inmarsat) filed a consolidated petition for reconsideration seeking reconsideration of two Commission Orders. The first Order granted the requests of two Mobile Satellite Service (MSS) system operators, now known as Gamma Acquisition L.L.C. (Gamma) and New DBSD Satellite Services G.P (New DBSD), for reservation of the available 2 GHz band MSS frequencies. The second Order dismissed Inmarsat's request for reservation of 2 GHz spectrum for an MSS system to serve the United States.

1 Inmarsat Ventures Limited and Inmarsat Global Limited, Consolidated Petition for Reconsideration of Inmarsat Ventures Limited and Inmarsat Global Limited, IB Docket Nos. 05-220 and 05-221 (filed Jan. 9, 2006) (Inmarsat Consolidated Petition).

2 See Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket Nos. 12-70 and 04-356, ET Docket No. 10-142, Report and Order and Order of Proposed Modification, 27 FCC Rcd 16102, 16220-22, 16224, at ¶¶ 319-22, 331-22 (2012) (AWS-4 Report and Order).

3 Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket Nos. 12-70 and 04-356, ET Docket No. 10-142, Order of Modification, DA 13-231 (rel. Feb. 15, 2013) (Order of Modification).

4 The spectrum reservation mechanism was developed to facilitate the participation of non-U.S. licensed satellite systems in the FCC licensing process, even though such systems were not seeking a U.S. space station license. As such, favorable action on a letter of intent filing is in the nature of a policy statement or declaratory ruling with respect to the availability of spectrum for future licensing of U.S. earth stations that would operate with the non-U.S. licensed space station. New DBSD Satellite Services G.P., Debtor-in-Possession, Transferor, and New DBSD Satellite Services G.P., Transferee, Transfer of Control of Earth Station and Ancillary Terrestrial Component Licenses and Conforming Modifications to Commission Records, Order, 25 FCC Rcd 13664, 13667 n.18 (Int'l. Bur. 2010). The FCC subsequently granted earth station licenses to Gamma and New DBSD. See New ICO Satellite Services G.P., Application for Blanket Authority to Operate Ancillary Terrestrial Component Base Stations and Dual-mode MSS/ATC Mobile Terminals in the 2 GHz MSS Bands, Order and Authorization, 24 FCC Rcd 171 (2009); TerreStar Networks Inc., Application for Blanket Authority to Operate Ancillary Terrestrial Component Base Stations and Dual-Mode MSS/ATC Mobile Terminals in the 2 GHz MSS Bands, Order and Authorization, 25 FCC Rcd 228 (2010).

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3. In December 2012, the Commission issued the *AWS-4 Report and Order*. The *AWS-4 Report and Order* adopted an approach for the 2 GHz band that relies upon rapid terrestrial build-out, with potential loss of MSS interference protection in the event terrestrial services are not built out. The Commission stated in the *AWS-4 Report and Order* that this approach is not compatible with deployment of additional MSS systems in the band.⁷ The *AWS-4 Report and Order* delegated authority to the International Bureau to dismiss the *Inmarsat Consolidated Petition* once the incumbent 2 GHz MSS licensees accept the modified licenses authorizing AWS-4 operations.⁸ On January 22, 2013, Gamma and New DBSD stated they would not protest the proposed license modifications. On February 15, 2013, the Chiefs of the Satellite Division, International Bureau and the Broadband Division, Wireless Telecommunications Bureau issued an *Order of Modification* modifying Gamma's and New DBSD's licenses.⁹

4. Based on the record in this matter, the Commission's decision in the *AWS-4 Report and Order*, and the *Order of Modification*, the *Inmarsat Consolidated Petition* is ripe for dismissal.

5. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the Consolidated Petition for Reconsideration of Inmarsat Ventures Limited and Inmarsat Global Limited, filed in IB Docket Nos. 05-220 and 05-2201, is DISMISSED.

6. This action is taken under delegated authority pursuant to Sections 0.51, and 0.261 of the Commission's Rules, 47 C.F.R. §§ 0.51, and 0.261.

FEDERAL COMMUNICATIONS COMMISSION

Fern J. Jarmulnek
Acting Chief, Satellite Division,
International Bureau

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⁵ Use of Returned Spectrum in the 2 GHz Mobile Satellite Service Frequency Bands, *Order*, 20 FCC Rcd 19696 (2005).

⁶ Inmarsat Global Limited, Petition for Declaratory Ruling to Provide Mobile Satellite Service to the United States Using the 2 GHz and Extended Ku-Bands, *Order*, 20 FCC Rcd 19409 (2005).

⁷ *AWS-4 Report and Order*, 27 FCC Rcd at 16164, n. 468.

⁸ *Id.* at 16164, n. 468 and 16224, ¶ 336.

⁹ *Order of Modification* at 2-3, ¶¶ 6, 7-10.