

In the matter of)
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iPass, Inc.) File No. SES-STA-20070716-00944 (Call Sign E070144)

Inmarsat Ventures Limited (“Inmarsat”) opposes the Petition to Deny filed by MSV in this proceeding, in which iPass, Inc. (“iPass”) seeks special temporary authority (“STA”) to provide Broadband Global Area Network (BGAN) service over the Inmarsat-4 satellite at 53° W.L. In its Petition to Deny, MSV raises nothing new and fails to provide a valid basis not to grant STA or for imposing new and unnecessary conditions. For the reasons set forth below, the Commission should grant the STA to allow iPass to provide BGAN service without delay.

As an initial matter, grant of STA is consistent with Commission policy due to the likely delay in processing the iPass underlying application for “full” authority to provide BGAN service.¹ In its order adopting the current STA rules, the Commission expressly found that it would consider STA requests “[w]hen an application cannot be routinely granted within sixty days.”² In doing so, the Commission specifically explained that its STA policy allows action on “non-routine applications,”³ such as this (when action cannot be expected in 60 days). All

³ *Id.* at 2810, ¶ 27 & n.69.

previous applications for “full” licenses to provide BGAN service have remained pending for more than the time period when routine processing could be expected. It therefore is reasonable for iPass to anticipate that its own underlying application may be subject to similar delay and to seek STA, as it has done here. This circumstance, on its own, warrants grant of the STA.

STA is further warranted due to the dramatic advancement in MSS communications capabilities that BGAN represents for U.S. local, state and federal government users, relief organizations, and commercial enterprises alike. BGAN provides voice and broadband service at speeds of almost half a megabit per second, and uses highly portable and easily deployed “notebook sized” user terminals that are one-third the price, size and weight of those previously available for use on the Inmarsat system. In addition to its advanced capabilities, BGAN also is easier to set up and to use, addressing one of the major concerns related to the deployment of other satellite services in emergency scenarios.⁴ After plugging a BGAN antenna into any laptop computer with a standard USB cable (or using a Bluetooth or Wi-Fi connection), mobile users of all types can have immediate voice and data connectivity.

Moreover, BGAN’s use of IP technology makes possible greater flexibility and operability than ever before. When combined with other information technology advances, BGAN’s small, lightweight terminals provide a highly portable communications link to support both individual first responders and mobile command posts. In addition, because it provides interoperable connectivity with other IP-based technologies, BGAN supports new technology-based solutions that address the pressing problem of first responder interoperability. For example, a BGAN terminal connected to a portable cell phone tower would quickly re-establish

⁴ See *Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, Report and Recommendations to the Federal Communications Commission at 10 (June 12, 2006).

communications among first responders over their terrestrial wireless communications devices while the terrestrial network is being restored. Similar solutions have been developed to support remote access to land mobile radios when terrestrial infrastructures are disrupted.

In contrast to the substantial public interest benefits in authorizing provision of BGAN service, MSV has failed to show any countervailing harms to grant of the iPass application. Most significantly, in the many months in which BGAN service has been provided to the United States by various licensees, there has been no adverse effect on the interference environment. MSV does not dispute this.⁵ Thus, the Commission should grant STA without delay.

II. ADDITIONAL STA CONDITIONS ARE NOT WARRANTED

In its Petition to Deny, MSV repeats its requests from earlier proceedings that the Commission impose conditions on the iPass BGAN STA beyond those applied to current BGAN STAs held by other providers.⁶ Specifically, MSV asks the Commission to: (i) adopt conditions sought in MSV's May 26, 2006 *Ex Parte* Presentation; and (ii) limit BGAN terminal use to only a subset of emergency responders. These requests are baseless and should not be granted. Because these issues have been fully briefed,⁷ and in the interest of conserving Commission resources, Inmarsat incorporates earlier pleadings by reference for inclusion in the record here.

⁵ Contrary to MSV's suggestion, Petition to Deny at 3, the fact that other providers currently have authority to offer BGAN service does not provide a valid basis for precluding consumers from having iPass available as an additional avenue for obtaining BGAN's valuable capabilities.

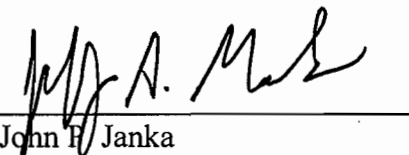
⁶ See, e.g., Stratos Communications, Inc., IB File No. SES-STA-20060310-00419 (granted May 12, 2006).

⁷ See, e.g., Joint Opposition, File Nos. SES-STA-20060310-00419 *et al.* (filed June 19, 2006); Joint Letter from Inmarsat *et al.* to Marlene Dortch, File No. SES-LFS-20050826-01175, *et al.* (filed Dec. 6, 2006); see also Joint Letter from Inmarsat *et al.* to Marlene H. Dortch, FCC,

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For the reasons discussed above and in earlier pleadings, the Commission should grant the iPass application without delay, subject only to the conditions pursuant to which other STA-holders currently offer BGAN service.

Respectfully submitted,



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File Nos. SES-MFS-20051122-01614 et al. (Jul. 6, 2006); Joint Letter from Inmarsat *et al.* to Marlene H. Dortch, FCC, File Nos. SES-MFS-20051122-01614 *et al.* (Jul. 6, 2006).

CERTIFICATE OF SERVICE

I, Jeffrey A. Marks, hereby certify that on this 5th day of September, 2007, I caused to be served a true copy of the foregoing by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

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