

March 19, 2010

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Amtech Systems LLC and SkyWave Mobile Communications, Inc., Joint Response to Ex Parte Presentation of SkyTerra Subsidiary LLC, GN Docket No. 09-51; File Nos. SAT-MOD-20090429-00047, SAT-MOD-20090429-00046, SES-MOD-20090429-00536**

Dear Ms. Dortch:

Amtech Systems LLC (“Amtech”) and SkyWave Mobile Communications, Inc. (“SkyWave”), by their respective counsel, file this letter in response to the March 12, 2010 ex parte presentation of SkyTerra Subsidiary LLC (“SkyTerra”).<sup>1</sup> Specifically, Amtech and SkyWave, seek to remind the Commission that grant of SkyTerra’s pending request for technical rule waivers will cause harm to Amtech’s and SkyWave’s operation of mobile earth terminals (“METS”) in the L-band.

In its presentation, SkyTerra urges the Commission to grant its ATC Modification Application in order to make spectrum available for mobile broadband. SkyTerra fails to mention, however, that Amtech filed a pending Petition to Deny<sup>2</sup> and SkyWave Mobile Communications, Corp. filed opposing comments.<sup>3</sup> As noted in the record pleadings, Amtech’s sister company, Transcore, currently provides 22,000 Amtech-licensed METs (with 7,000-10,000 added annually) to end-user customers.<sup>4</sup> SkyWave currently serves approximately

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<sup>1</sup> *Letter from Jeffrey Carlisle, SkyTerra Subsidiary LLC, to Marlene H. Dortch, FCC, GN Docket No. 09-51 (filed Mar. 15, 2010) (“SkyTerra Presentation”).*

<sup>2</sup> *Petition to Deny of Amtech Systems LLC, File Nos. SAT-MOD-20090429-00047, SAT-MOD-20090429-00046, SES-MOD-20090429-00536 (filed July 10, 2009) (“Petition to Deny”).* In response, SkyTerra filed a Consolidated Opposition. *See Consolidated Opposition, File Nos. SAT-MOD-20090429-00047, SAT-MOD-20090429-00046, SES-MOD-20090429-00536 (filed July 23, 2009).* Amtech subsequently filed a reply to the Consolidated Opposition. *See Reply to Consolidated Oppositions, File Nos. SAT-MOD-20090429-00047, SAT-MOD-20090429-00046, SES-MOD-20090429-00536 (filed Aug. 4, 2009).*

<sup>3</sup> *See Comments of SkyWave Mobile Communications, Corp. and SkyWave Mobile Communications, Inc., File Nos. SAT-MOD-20090429-00047, SAT-MOD-20090429-00046, SES-MOD-20090429-00536 (filed July 10, 2009).*

<sup>4</sup> *See Letter from Colleen King to Marlene H. Dortch, Notice of Ex Parte Presentation at 2, File Nos. File Nos. SAT-MOD-20090429-00047, SAT-MOD-20090429-00046, SES-MOD-20090429-00536 (filed Nov. 18, 2009).*

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40,000 land mobile terminals in the U.S., with several thousand units being added annually. SkyWave's end-users include the Department of Defense, the Naval Surface Warfare Center, FBI, the Department of Homeland Security, the Drug Enforcement Agency and numerous other law enforcement and first-responder agencies.<sup>5</sup> In addition, SkyWave is the largest supplier of satellite tracking and control services for refrigerated freight in the United States. SkyTerra's proposed technical changes to its ATC network would cause harmful interference that would degrade or block entirely the services currently received by Amtech's and SkyWave's customers in the same spectrum. Thus, any suggestion by SkyTerra that that interests of all parties would be advanced by grant of the ATC Modification Application is untrue.

To avoid unacceptable interference, Amtech and SkyWave again urge the Commission to reject SkyTerra's request for waiver of the technical rules. Alternatively, the Commission should include a condition in any grant expressly requiring SkyTerra to resolve any harmful interference, including through funding the replacement of Amtech's and SkyWave's currently operating METs with METs that will not receive harmful interference from SkyTerra's ATC operations. Indeed, such a condition is required by Section 25.255 of the Commission's rules.<sup>6</sup>

Please contact the undersigned with any questions.

Sincerely,

*/s/ David E. Hilliard*

David E. Hilliard  
*Counsel to Amtech Systems LLC*

*/s/ Alfred M. Mamlet*

Alfred M. Mamlet  
*Counsel to SkyWave Mobile, Inc.*

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<sup>5</sup> SkyWave Comments at 2.

<sup>6</sup> 47 C.F.R. § 25.255. *See Petition to Deny* at 9-10.