

Engineers for the Integrity of Broadcast Auxiliary Services Spectrum

ELECTRONICALLY FILED TO IB DOCKET 13-213

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November 3, 2014

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Dear Ms. Dortch:

This *ex parte* filing of EIBASS is in response to the October 30, 2014, *ex parte* filing of Globalstar to IB Docket 13-213 (TLPS/AWS-5).

The Globalstar *ex parte* filing takes eight pages to give its reasons why the *ex parte* filings of Kerrisdale Capital ("Kerrisdale"), a hedge fund, should be given no credence. However, that Globalstar filing manages to not even mention co-channel TV Broadcast Auxiliary Services (BAS) stations. The 2,473-2,483.5 MHz portion of Globalstar's proposed TLPS would be co-channel and secondary to TV BAS Channel A9 operations at 2,467-2,483.5 MHz, since TLPS would be an unlicensed, unprotected, Part 15 use, whereas TV BAS is a licensed, protected, Part 74 use. Per Section 15.5(b) of the Part 15 rules, a Part 15 device may not cause interference to any licensed service, and must accept interference from licensed operations and other Part 15 uses.

The proposed 2,483.5-2,495 MHz AWS-5 portion would be co-channel with grandfathered TV BAS Channel A10 stations at 2,483.5-2,500 MHz. These stations are co-primary, not secondary, to the Mobile Satellite Service (MSS), and there is no sunset date on those grandfather rights. Between co-primary stations the newcomer must protect the incumbent(s).

The Globalstar *ex parte* filing spends pages explaining how TLPS/AWS-5 would be compatible with existing 2.4 GHz S-band WiFi operations, while ignoring how newcomer co-channel AWS-5 operations would avoid interference to grandfathered A10 TV Pickup stations in many of the major metros, such as Boston, Chicago, Detroit, Los Angeles, New York City, Miami, Philadelphia, Phoenix, Sacramento, San Francisco and other areas.

EIBASS notes that a predecessor 67-page report created by Kerrisdale, not filed with the Commission, but posted to the Kerrisdale web site at <http://kerrisdalecap.com/wp-content/uploads/2014/10/Globalstar->

EIBASS *ex parte* Reponse to Globalstar *ex parte* Filing, page 2
November 3, 2014

[GSAT.pdf](#), not only recognized the TV BAS conflict, but cited a filing¹ by EIBASS to IB Docket 10-142 ("MSS Flexibility"), documenting harmful interference by a now defunct S-band MSS ATC operator, Front Range. Not theoretical interference, but actual harmful interference to grandfathered A10 operations in Chicago and Sacramento. The Chicago interference was even the subject of an FCC Enforcement Bureau investigation and formal *Notice of Harmful Interference*.² While the Front Range operation involved high-power base stations probably in the 60 dBm EIRP range (Front Range declined to disclose this information to EIBASS), whereas TLPS/AWS-5 would be a maximum of 36 dBm EIRP, that is only a 24 dB difference, representing just 250 aggregated low-power devices. Yet the Globalstar web site promises 20,000 "free" TLPS access points alone to be made available to "special interests and charitable groups."

Thus, regardless of what motives Kerridale may have in its *ex parte* filings with the Commission, at least they acknowledged the conflict that TLPS/AWS-5 has with 2.5 GHz TV BAS operations.

The Commission needs to protect grandfathered TV BAS Channel A10 operations by taking the same approach it did in WT Docket 10-153 ("BAS Flexibility") when opening the 7 and 13 GHz TV BAS bands to Part 101 Fixed Service (FS) stations: Namely, protect the operational areas of record of TV Pickup stations. Thus, TLPS/AWS-5, or at least the AWS-5 portion, if severable, should not be allowed inside the operational areas of record of any grandfathered TV BAS Channel A10 TV Pickup station, unless written consent for such operation has been obtained from the grandfathered A10 licensee(s) that would be in the same market where TLPS/AWS-5 deployment is desired; that is, a Section 27.60(b)(1)(iv) approach.

Respectfully,

/s/ Dane E. Ericksen

/s/ Richard A. Rudman

Dane E. Ericksen

Richard A. Rudman

¹ September 6, 2011, EIBASS filing to IB Docket 10-142.

² February 4, 2011, Enforcement Bureau *Notification of Harmful Interference and Letter of Inquiry*, Case Number EB-11-CG-0015.