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October 14, 2015

VIA ELECTRONIC FILING

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

Re: **Written *Ex Parte* Communication**

Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks; IB Docket No. 13-213

Dear Ms. Dortch:

On September 10, 2015, Globalstar, Inc. (“Globalstar”) submitted an *ex parte* letter informing the Commission of a “demonstration” of its Terrestrial Low Power Service (“TLPS”).^{1/} Wi-Fi Alliance has expressed serious and substantial concerns in a number of previous filings of its own about the impact that the TLPS would have on Wi-Fi operations.^{2/} It has suggested that in order to address those concerns, Globalstar engage in testing using sound engineering practices to demonstrate what impact, if any, its operations would have on Wi-Fi.^{3/} Unfortunately, the recent submission falls far short of what might reasonably be expected in a meaningful test. Accordingly, and as the substantive record supports, Wi-Fi Alliance continues to urge the Commission not to adopt the rules proposed in the above-referenced proceeding and to now close this proceeding.

As an initial matter, Wi-Fi Alliance notes that Globalstar’s demonstration was conducted only using enterprise-class access points, a fact confirmed by Globalstar in a recent

^{1/} See Letter from L. Barbee Ponder IV, General Counsel & Vice President, Regulatory Affairs, Globalstar, Inc., to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213, at 1 (filed Sept. 10, 2015) (“September 10 Globalstar Letter”).

^{2/} See, e.g., Letter from Edgar Figueroa, President and CEO, Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 and RM-11685 (filed May 26, 2015) (“May 2015 Letter”); Letter from Russell H. Fox, Counsel to Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213, *et al.* (filed Apr. 30, 2015); Letter from Russell H. Fox, Counsel to Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 and RM-11685 (filed Apr. 30, 2015); Letter from Russell H. Fox, Counsel to Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 13-49, *et al.* (filed Nov. 3, 2014).

^{3/} See May 2015 Letter at 3 (“More rigorous testing . . . may allow the Commission to proceed to authorize TLPS.”).

teleconference with Wi-Fi Alliance. However, the overwhelming majority of deployed access points are not enterprise-class, but consumer grade. ABI Research shows that enterprise-class devices make up only 6.1% of Wi-Fi devices shipped this year and are only projected to reach 7.9% by 2019.^{4/} Those enterprise-class devices typically have substantially different filters than consumer devices, have a much higher degree of radio feature management, and therefore perform differently. Accordingly, Globalstar has demonstrated its service against only a small percentage of the large installed base which is not predictive of the impact on most Wi-Fi devices. Further, the demonstration does not at all provide the type of real-world results on which the Commission should make a determination of this importance.

In addition to using equipment that may have been deliberately selected to produce a favorable result to Globalstar, Wi-Fi Alliance is concerned about the continued lack of transparency in Globalstar's most recent demonstration. For example, in the demonstration report, there was no or little information regarding, among other critical evaluation criteria, the following:

- Power levels for the access points operating on Wi-Fi channels 1, 6, and 11 and TLPS operations on channel 14.
- Load factors for the Wi-Fi and TLPS channels.
- Data types used during the demonstrations.

In the absence of such basic information, it is impossible for the Commission to make any objective evaluation of this demonstration.

In many of its *ex parte* communications with the Commission, Globalstar complains that it has been two years since the Commission issued its Notice of Proposed Rulemaking in this proceeding.^{5/} In that time, Wi-Fi Alliance and many others have repeatedly suggested that Globalstar should engage in cooperative, fully-transparent *testing* (and not merely demonstrations) so that any impacts of its proposed operations can be responsibly assessed. Globalstar has consistently rejected those requests and refused to cooperate, instead preferring to tightly control the environment within which demonstrations occur and provide little information about those demonstrations. Accordingly, Globalstar has no one but itself to blame for the broader industry's inability to make a meaningful assessment of Globalstar's system.

^{4/} See ABIResearch, *Wi-Fi Customer Premise Equipment (MD-WLEQ-160)* (2015), available at <https://www.abiresearch.com/market-research/product/1021445-wi-fi-customer-premise-equipment/>.

^{5/} See, e.g., Letter from Regina M. Keeney, Counsel to Globalstar, Inc., to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213, at 3 (filed Oct. 1, 2013); September 10 Globalstar Letter at 4; Letter from Regina M. Keeney, Counsel to Globalstar, Inc., to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213, at 4 (filed Apr. 23, 2015).

The Commission has received noteworthy and substantial opposition to Globalstar's proposal from diverse interests and stakeholders. Wi-Fi Alliance requests that the Commission consider the ample record which clearly indicates that no action should be taken and now close the proceeding.

If there are any questions regarding the foregoing, please contact the undersigned directly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edgar Figueroa', with a long horizontal flourish extending to the right.

WI-FI ALLIANCE

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President and CEO

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