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December 4, 2015

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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 November 24, 2015, Globalstar, Inc. (“Globalstar”) submitted a letter in this proceeding again urging the Commission to adopt rules that would authorize Globalstar’s proposed Terrestrial Low Power Service (“TLPS”).

In its continued attempt to demonstrate that TLPS will not harm Wi-Fi, Globalstar asserts that “TLPS at 2473-2483.5 MHz meets Wi-Fi Alliance’s ‘fairness’ standard for unlicensed spectrum use.”<sup>1/</sup> However, Globalstar misapplies the work that Wi-Fi Alliance is performing to develop coexistence guidelines for long term evolution (“LTE”) technology use of unlicensed spectrum to TLPS. Even if the coexistence guidelines developed in the LTE context were applicable here, Globalstar cannot accurately claim TLPS satisfies them.

As an initial matter, the work that Wi-Fi Alliance has undertaken relates principally to coexistence of Wi-Fi operations in the 5 GHz band with other devices using LTE technology *in that band*. TLPS does not operate in the 5 GHz band and is not expected to operate co-channel with Wi-Fi. Globalstar makes no attempt to demonstrate how the work that Wi-Fi Alliance and others are performing in that context is relevant to TLPS. Moreover, even if it were relevant, the work that Wi-Fi Alliance and others have undertaken is not yet complete. Most importantly, Globalstar’s assertion fails to recognize the most critical part of the work related to the coexistence guidelines – testing once the guidelines are complete. It is only through the testing process that there can be any assurance that another

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<sup>1/</sup> Letter from L. Barbee Ponder IV, General Counsel & Vice President, Regulatory Affairs, Globalstar, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213, at 2 n.7 (filed Nov. 24, 2015).

technology – whether it is LTE or TLPS – can coexist with Wi-Fi, regardless of the specified coexistence protocols.

Of course, Globalstar cannot have tested under the Wi-Fi coexistence guidelines because, as noted above, neither the guidelines nor the test protocol are yet complete. As Wi-Fi Alliance has pointed out, the testing that Globalstar *has* performed is fundamentally flawed.<sup>2/</sup> Worse than that, Globalstar continues to test without any participation from other interested parties – it has created its own testing parameters.<sup>3/</sup> In its recent letter, Globalstar notes that there were Commission staff present at its testing, in an attempt to achieve the imprimatur of legitimacy. However, until Globalstar is willing to allow third parties to participate in its testing – creating an environment in which test results are observable and repeatable – its efforts are meaningless.<sup>4/</sup> The Commission cannot afford to simply accept Globalstar’s self-interested test results on their face.

From the beginning, Wi-Fi Alliance has urged the Commission to require Globalstar to demonstrate, using industry-standard and scientifically acceptable procedures, that there will be no interference to Wi-Fi from TLPS.<sup>5/</sup> Globalstar has continued to evade that obligation, and the Commission must therefore reject the creation of TLPS.

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<sup>2/</sup> See Letter from Edgar Figueroa, President and CEO, Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213, at 1-2 (filed Oct. 14, 2015) (explaining how Globalstar only used enterprise-class access points in its recent demonstration, even though enterprise-class devices constitute a small percentage of Wi-Fi devices, and how the demonstration report lacked critical information).

<sup>3/</sup> As an example, by developing testing without input from others, Globalstar is able to use devices with power lower than those permitted by the rules – potentially understating the impact of its operations.

<sup>4/</sup> Globalstar’s continued rejection of any third-party participation in its efforts is another critical difference between the flawed attempts to legitimize TLPS and attempts to achieve coexistence with LTE technologies. Unlicensed LTE proponents themselves have noted that they are working cooperatively with Wi-Fi Alliance to produce coexistence guidelines. See, e.g., Letter from Dean R. Brenner, Senior Vice President, Government Affairs, Qualcomm, to Ms. Marlene Dortch, Secretary, FCC, ET Docket No. 15-105, at 1-2 (filed July 15, 2015) (describing “extensive communications” with Wi-Fi Alliance and other stakeholders regarding LTE-U coexistence with Wi-Fi). Globalstar has shown no interest in such a cooperative approach.

<sup>5/</sup> See Comments of Wi-Fi Alliance, IB Docket No. 13-213 and RM-11685 (filed May 5, 2014); Reply Comments of Wi-Fi Alliance, IB Docket No. 13-213 and RM-11685 (filed June 4, 2014).

Pursuant to Section 1.1206(b)(2) of the FCC's rules, a copy of this letter has been filed in the above-referenced proceeding.

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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