

COVINGTON

BEIJING BRUSSELS LONDON LOS ANGELES
NEW YORK SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Gerard J. Waldron

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5360
gwaldron@cov.com

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

Re: Written ex parte presentation in RM-11681; IB Docket No. 12-340; IB Docket No. 11-109; IBFS File Nos. SES-MOD-20151231-00981, SAT-MOD-20151231-00090, and SAT-MOD-20151231-00091

Dear Ms. Dortch:

On February 5, 2016, Reed Hundt, a board member of New LightSquared LLC (“New LightSquared”) and co-counsel with the undersigned, along with the undersigned, met with Julius Knapp, Ron Repasi, Charles Mathias, Paul Murray, Karl Kensinger, and Jennifer Tatel of the Commission.

The purpose of the meeting was to update the Commission regarding the ongoing testing and analysis being conducted by Roberson & Associates, which seeks to determine whether the operation of a wireless broadband network under the parameters of the Coexistence Plan agreed to in New LightSquared’s settlement agreements with Deere & Company (“Deere”), Garmin International, Inc. (“Garmin”), and Trimble Navigation Limited (“Trimble”) would have any user-perceptible impact on the position reported by GPS devices.¹ As New LightSquared has

¹ The agreements with Deere, Garmin, and Trimble are on file with the Commission. *See* New LightSquared, Ex Parte Presentation, IB Docket No. 12-340; IB Docket No. 11-109; IBFS File Nos. SAT-MOD-20101118-00239; SAT-MOD-20120928-00160; SAT-MOD-20120928-00161; SES-MOD-20121001-00872; SES-RWL-20110908-01047; SES-MOD-20141030-00835 (Dec. 8, 2015) (“December 8 Ex Parte”); New LightSquared, Ex Parte Presentation, IB Docket No. 12-340; IB Docket No. 11-109; IBFS File Nos. SAT-MOD-20101118-00239; SAT-MOD-20120928-00160; SAT-MOD-20120928-00161; SES-MOD-20121001-00872; SES-RWL-20110908-01047; SES-MOD-20141030-00835 (Dec. 17, 2015) (“December 17 Ex Parte”); New LightSquared, Ex Parte Presentation, IB Docket No. 12-340; IB Docket No. 11-109; IBFS File Nos. SES-MOD-20151231-00981, SAT-MOD-20151231-00090, and SAT-MOD-20151231-00091 (Feb. 3, 2016) (“February 3 Ex Parte”). These Coexistence Plan parameters also are set forth in the license modification applications New LightSquared filed on December 31, 2015 (the “License Modification Applications”).

stated many times in this proceeding, this is the standard the Commission must apply to evaluate any claims of harmful interference. To this end, Roberson and Associates is testing key performance indicators that relate directly to the user experience, such as position error. In contrast, a study of a 1 dB rise in the noise floor as a proxy for harmful interference will add nothing to the discussion of coexistence, since there is no evidence that such an increase in the noise floor is a meaningful variable in assessing interference for GPS devices. More significantly, direct testing of what matters most to a GPS device users -- the positional accuracy of the device -- is not only possible but has been conducted successfully.

In the meeting, the representatives described the methodology of the Roberson and Associates study, which incorporates feedback provided by participants at the Department of Transportation's Adjacent Band Compatibility Study Workshops. Roberson and Associates has demonstrated that it is possible to conduct this type of user-focused testing of GPS devices over the course of about six months, even without (a) access to the manufacturers' confidential information and (b) relying on manufacturer-provided devices. New LightSquared also updated the Commission on the status of the Roberson and Associates testing and analysis.

With the clearly defined transmission levels set forth in the Coexistence Plan, it is clear that GPS and wireless broadband operations can coexist on adjacent channels. Accordingly, the Commission should commence the process of providing this clarity to the entire industry by issuing a public notice on the issues and proposals raised in the License Modification Applications so that all interested parties may have the opportunity to comment on the proposed operational limits and New LightSquared's plans for terrestrial deployment. If adopted, the license modifications New LightSquared has proposed would not only open up new broadband spectrum in the U.S. but also would promote American leadership in setting global standards, in turn creating greenfield spectrum for 5G buildout.

Please direct any questions to the undersigned.

Respectfully submitted,

Gerard J. Waldron
Michael Beder
Counsel to New LightSquared

cc: Julius Knapp
Ron Repasi
Charles Mathias
Karl Kensinger
Paul Murray
Jennifer Tatel