



June 6, 2016

Ex Parte

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

Re: Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks, IB Docket No. 13-213; Amendments to Rules for the Ancillary Terrestrial Component of Mobile Satellite Service Systems, RM-11685

Dear Ms. Dortch:

On June 2, 2016, Andy Bopp of the Hearing Industries Association, Paula Boyd and Mark Casebolt of Microsoft Corporation, James Morgan of Sony Electronics, Inc., Donald Massey of Nintendo of America Inc., Michael Warnecke of the Entertainment Software Association (“ESA”) and S. Roberts Carter of Harris, Wiltshire & Grannis, counsel to ESA, met with Commissioner O’Rielly’s Legal Advisor Erin McGrath.

During this meeting, Mr. Bopp discussed the potential impact of Globalstar’s proposed terrestrial low power service (“TLPS”) on hearing aids that use Bluetooth Low Energy and similar low power technologies.¹ In addition, the video game industry representatives noted that every mainstream video game console uses the 2.4 GHz band extensively, and that TLPS could degrade service to millions of video game consumers. We observed that the technical record, including Globalstar’s demonstration results, does not provide the Commission with an adequate basis to adopt the rule changes sought by Globalstar.²

¹ See letter from Laura Stefani, Counsel for the Hearing Industries Association, to Marlene H. Dortch, Secretary, IB Docket No. 13-213 at 2-3 (filed Apr. 21, 2016).

² See, e.g., letter from Mark Powell, Bluetooth SIG Inc., to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 (filed Oct. 23, 2015) (discussing concerns that TLPS, which would operate co-channel on unlicensed frequencies also used by Bluetooth, could “potentially caus[e] detrimental impact to hundreds of Millions of Bluetooth devices...”); letter from Edgar Figeora, Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 (filed Oct. 14, 2015) (Wi-Fi Alliance has “expressed serious and substantial concerns ... about the impact that the TLPS would have on Wi-Fi operations...”); ex parte Letter from Microsoft, ESA, the National Cable & Telecommunications Association, Sony Electronics, and Wi-Fi Alliance, IB Docket No. 13-213 (filed Dec. 10, 2015) (explaining that the demonstrations described by Globalstar do not support the company’s request to authorize TLPS).

Ms. Marlene H. Dortch

June 6, 2016

Page 2 of 2

We understand that given the potential risk to Bluetooth and Wi-Fi consumers from the proposed Globalstar operations, the Commission is considering an order requiring it to receive additional data by assessing limited Globalstar deployments over a one-year period. While we agreed with the recognition of the risk posed by Globalstar, we explained that the approach being considered by the Commission is problematic and risks permitting significant consumer damage to occur. Consequently, this order should not grant Globalstar permanent authority to operate TLPS. Such a grant should only be done once the FCC has received and reviewed the new data yielded by the deployment assessments and confirmed that there would be no harm to Wi-Fi and Bluetooth technologies. Furthermore, we urged the Commission to authorize TLPS deployment assessments under Part 5 of the Commission's rules using consensus testing parameters agreed upon by both Globalstar and existing users of the 2.4 GHz band rather than adopting any conditional grant of authority. We noted that such collaboration would vastly improve the understanding of Globalstar's system and operating parameters allowing for a more meaningful assessment of the impact on existing 2.4 GHz users.

Finally, while we do not support the Commission granting Globalstar authority to operate nationwide, we noted that if the Commission were to move forward with the draft order on circulation, it is critically important that it adopt at least minimal safeguards to protect consumers, including (1) meaningful access to deployment locations and reasonable advance notice of when testing will occur; (2) access to the equipment Globalstar intends to use, enabling interested parties to characterize devices so parties can participate in the FCC's proposed tests; and (3) establishment of objective metrics for assessing the potential impact of Globalstar's transmissions on unlicensed operations, including reductions in throughput and increased latency and jitter. In addition, the Commission should make clear that it will authorize Globalstar to operate only at the specific operating parameters, including transmit power, under which Globalstar has operated during its previous demonstrations and only to the extent such operations have resulted in no harm to 2.4 GHz technologies that consumers rely upon.

Pursuant to the Commission's rules, a copy of this notice is being filed electronically in the above-referenced dockets. If you require any additional information, please let me know.

Sincerely,



Michael Warnecke
Chief Counsel, Technology Policy
ENTERTAINMENT SOFTWARE ASSOCIATION
575 7th Street NW, Suite 300
Washington, DC 20004
(202) 223-2400

cc: meeting participants