

June 6, 2016

Ex Parte

Ms. 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; Amendments to Rules for the Ancillary Terrestrial Component of Mobile Satellite Service Systems, IB Docket No. 13-213, RM-11685

Dear Ms. Dortch,

On June 2, 2016, Barry Ohlson of Cox Enterprises, Inc., Jennifer McKee of the National Cable & Telecommunications Association, and I met with Erin McGrath, Legal Advisor to Commissioner O’Rielly.

In this meeting, we discussed that the FCC is considering establishing a one-year test of the impact of Globalstar’s technology on consumer devices in the 2.4 GHz band. We reiterated that consumers depend heavily on the 2.4 GHz band for a wide variety of purposes, including for internet access, hearing aids, and game consoles. We agreed that open questions about interference caused by Globalstar warranted additional investigation, but stated that the traditional method of issuing Special Temporary Authority for operations and the joint testing that CableLabs has previously proposed would be a more effective approach than the pending order.

We suggested that if the Commission nonetheless decides to adopt the pending order, it should include four items to make its planned testing mechanism more likely to produce useful results. First, the FCC should establish a power limit for Globalstar’s service that comports with the power levels relied upon on the record. Globalstar’s demonstration at the Technology Experience Center used Terrestrial Low-Power Service (“TLPS”) devices transmitting at only 100 mW—power levels subsequently confirmed during the Commission’s own characterization of a Globalstar device at its Columbia, Maryland laboratory.¹ Even at these power levels, there

¹ See FCC Office of Engineering and Technology, *Electromagnetic Emissions Characterization of Samples Used at TLPS Demonstration*, Report TR 15-1002, IB Docket No. 13-213 (filed May 7, 2015). See also FCC Office of Engineering and Technology, *Federal Communications Commission Office of Engineering and Technology Staff Report on Demonstrations of Globalstar, Inc.’s Proposed Terrestrial Low-Power Service March 6, 9-10, 2015*, Report, IB Docket No. 13-213 (filed Apr. 1, 2015).

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is substantial record evidence that Globalstar's operations will cause interference to consumers. These demonstrations therefore cannot provide any reasoned basis for authorizing TLPS operations at 4 W EIRP. Globalstar has not disclosed the TLPS power levels used in its subsequent, unilateral demonstrations on the record.² The Commission therefore cannot rely on these demonstrations to support a higher-power authorization. If the Commission decides to permit test deployments, it must restrict these deployments to power levels equivalent to those for which the Commission has interference data on the record to act in a non-arbitrary manner.³

Second, the Commission is correct to gather more data before deciding whether to grant Globalstar authority to operate terrestrially nationwide. It therefore should ensure that the FCC has an opportunity to review the data it gathers before deciding to grant permanent authority.

Third, the FCC should establish CableLabs as one of the test sites during the test period. Providing short notice of the initiation of service at a test location, and providing only limited access to a tiny minority of sites will not permit reasonable participation in the test process by important stakeholders. CableLabs will invite hearing aid interests, game console manufacturers, and other stakeholders to conduct tests at its facility to improve the FCC's record.

Fourth, the FCC should ensure that data gathered by Globalstar during the test period are transparent and accessible in a timely manner by the Commission and other parties.

Pursuant to the FCC's rules, I have filed a copy of this notice electronically in the above-referenced proceedings. If you require any additional information, please contact the undersigned.

Sincerely,



Paul Margie
Counsel to NCTA

cc: Erin McGrath

² See, e.g., Letter from L. Barbee Ponder IV, General Counsel & Vice President of Regulatory Affairs, Globalstar, Inc., to Marlene H. Dortch, Secretary, FCC, at Attachment, IB Docket No. 13-213 (filed Nov. 18, 2015).

³ The Commission previously has limited power levels in unlicensed bands below 4 W EIRP. In the U-NII-2A and -2C bands, for example, the Commission's rules limit unlicensed operations to 250 mW. 47 C.F.R. § 15.407(a)(2). And the Commission's white-spaces rules limit unlicensed operations to 100 or even 40 mW in many parts of the television band. 47 C.F.R. § 15.709(a)(2).