

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Amendment of Parts 2 and 25 to)	IB Docket No. 99-67
Implement the Global Mobile)	
Personal Communications by)	
Satellite (GMPCS) Memorandum)	
Of Understanding and Arrangements)	
)	
Petition of the National Telecommunications)	RM No. 9165
And Information Administration to Amend)	
Part 25 of the Commission's Rules to)	
Establish Emission Limits for Mobile)	
And Portable Earth Stations Operating)	
In the 1610-1660.5 MHz Band)	
_____)	

REPLY COMMENTS OF
GLOBALSTAR, L.P., and GLOBALSTAR USA, LLC

Pursuant to Section 1.415 of the Commission's Rules, Globalstar, L.P. ("GLP"), and Globalstar USA, LLC ("GUSA") file these "Reply Comments" in support of certain initial comments of Mobile Satellite Ventures Subsidiary LLC ("MSV") and Inmarsat Ventures PLC.

Specifically, GLP and GUSA urge the Commission not to require Mobile-Satellite Service ("MSS") earth stations already authorized under a Title III blanket license to obtain a redundant Part 2 equipment certification demonstrating compliance with the applicable emissions limits in Section 25.216 of the Commission's Rules.

BACKGROUND

GLP is the manager of the Globalstar™ 1.6/2.4 GHz MSS system and also holds a 2 GHz MSS license. GLP owns and operates the global 1.6/2.4 GHz MSS business provided over a constellation of 48 non-geostationary satellites. GLP contracts for space segment capacity with service providers who are authorized to offer voice, data and other telecommunications services to end users in individual countries. In certain territories, including North America, subsidiaries of GLP offer MSS directly to consumers. GUSA is the service provider for Globalstar in the United States and Caribbean region, and holds a blanket license for 500,000 mobile earth-station terminals (“METs”) operating in the 1610-1621.35 MHz and 2483.5-2500 MHz bands.¹ As part of the licensing process in 1999, GUSA’s METs were required to comply with the out-of-band emissions limits that have now been adopted by the Commission in Section 25.216.²

The Commission initiated this review of out-of-band emissions limits for MSS METs to protect Radionavigation Satellite Service systems (GPS and GLONASS) operating in the 1559-1610 MHz band. However, for MSS systems operating in the 1.6/2.4 GHz bands, such as Globalstar, the Commission had already adopted out-of-

¹ See AirTouch Satellite Services US, Inc., 14 FCC Rcd 17328 (Int’l Bur. 1999) (“GUSA Blanket License”). The AirTouch licensee was subsequently renamed Globalstar USA, LLC, and has now been acquired by a subsidiary of GLP.

² See id. at 17337; see also Report and Order and Further Notice of Proposed Rulemaking, IB Dkt. No. 99-67 and RM No. 9165, FCC 02-134 (released May 14, 2002).

band emissions limits to protect GPS.³ The limits required to protect GLONASS were the subject of an RTCA Report (SC-159), in which the aviation and MSS communities recommended differing requirements. The NTIA's petition for rulemaking (RM 9165) proposed a compromise position,⁴ which the Globalstar companies supported, and the Commission adopted NTIA's proposal in the Report and Order. Previously, the Commission adopted these limits as a standard for interim equipment authorization procedures,⁵ and also applied them to blanket MET licenses for 1.6/2.4 GHz systems.⁶

In the Further NPRM, the Commission proposed new requirements for METs operating between 1 and 3 GHz.⁷ Of particular concern to GLP and GUSA, the Commission proposed to require all MSS METs operating between 1 and 3 GHz after January 1, 2005, to have demonstrated conformance with Section 25.216,

³ See 47 C.F.R. § 25.213(b).

⁴ See Notice of Proposed Rulemaking, IB Dkt. 99-67 and RM 9165, 14 FCC Rcd 5871, 5892-95 (1999).

⁵ See 1998 Biennial Regulatory Review—Amendment of Parts 2, 25 and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, and Implement Mutual Recognition Agreements and Begin Implementation of Global Mobile Personal Communications by Satellite (GMPCS) Arrangements, 13 FCC Rcd 10683, 10698-700 (1998).

⁶ See GUSA Blanket License, 14 FCC Rcd at 17330-36.

⁷ GLP and GUSA note that the Further NPRM does not suggest that the proposed new emissions limits, including the carrier-off state limit, are necessary to protect against actual interference into GPS and GLONASS, but rather, are being adopted to make Part 25 consistent with ITU recommendations. GLP and GUSA are not aware of any evidence that would support additional protection requirements for GPS and GLONASS.

including the requirements proposed in the Further NPRM, pursuant to an equipment certification procedure under Part 2 of the Commission's Rules. (Proposed Section 25.216(i).) MSV and Inmarsat both sought relief from the retroactive application of the equipment certification rule.

DISCUSSION

GLP and GUSA agree with MSV and Inmarsat that the retroactive application of Section 25.216(i) to authorized and deployed METs could work a substantial hardship on operational MSS systems. GLP and GUSA do not object to initiation of an equipment authorization procedure, applied uniformly to all MSS METs. However, GUSA's METs were built to meet the emerging out-of-band emissions standards for such METs in the ITU, Europe and the United States in 1999, as now adopted into Part 25 by the Report and Order. There are over 80,000 Globalstar subscriber terminals currently deployed globally, and tens of thousands more in stock, awaiting deployment.

Proposed Section 25.216(i) would require, when it goes into effect, that all MSS METs operating between 1 GHz and 3 GHz, without exception, have demonstrated compliance with the out-of-band emissions limits pursuant to an equipment authorization procedure. As MSV points out with respect to operational METs, such a procedure would be "redundant, costly, and time consuming" with no obvious benefit.⁸ And, as Inmarsat points out, there are associated labeling

⁸ MSV Comments, at 8-9.

requirements that would impose an “onerous and impractical” task on licensees and manufacturers of deployed Inmarsat METs.⁹ If the Commission adopts the recommendations of MSV and Inmarsat, it should do so for all METs authorized under an existing Title III license that were required to meet the relevant emissions standards.

The purpose of the equipment authorization compliance rule is to ensure that MSS METs meet the emissions limits. However, prior to adoption of an equipment authorization requirement for MSS METs, a Title III license was the vehicle for ensuring compliance with the relevant emissions limits. GUSA’s license specifically requires the METs to meet the relevant emissions limits, and they have been manufactured to do so.¹⁰ Therefore, the goal of Section 25.216(i) has already been accomplished with respect to these METs.

Accordingly, GLP and GUSA agree with MSV and Inmarsat that imposing this new requirement on authorized Title III METs is redundant and unnecessary. The Commission should apply Section 25.216(i) only to those METs that have not previously been required to meet the relevant emissions limits as a condition of a Title III authorization.

⁹ See Inmarsat Comments, at 4-7.

¹⁰ See GUSA Blanket License, 14 FCC Rcd at 17337.

CONCLUSION

Accordingly, for the reasons set forth above, GLP and GUSA request that the Commission exempt METs authorized under an existing Part 25 blanket license that requires meeting the applicable out-of-band emissions limits in Section 25.216 from the procedure proposed in Section 25.216(i).

Respectfully submitted,

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