

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Flexibility for Delivery of) IB Docket No. 01-185
Communications by)
Mobile-Satellite Service Providers)
In the 2 GHz Band, the L-Band, and)
The 1.6/2.4 GHz Band)
_____)

**OPPOSITION OF
GLOBALSTAR, L.P. and GLOBALSTAR USA, L.L.C.**

Pursuant to Section 1.429 of the Commission's Rules (47 C.F.R. § 1.429), Globalstar, L.P. ("GLP"), and Globalstar USA, L.L.C. ("GUSA"), submit this "Opposition" to the petition for reconsideration filed by the Society of Broadcast Engineers ("SBE") regarding the "Report and Order" adopted in the above-referenced docket.¹ In the Order, the Commission adopted rules governing the ancillary terrestrial component ("ATC") of Mobile-Satellite Service ("MSS") systems operating at the L-band, 2 GHz and 1.6/2.4 GHz. GLP is the global manager of the Globalstar MSS system operating at 1.6/2.4 GHz, and participated throughout this

¹ Report and Order, FCC 03-15, 18 FCC Rcd 1962 (2003), summarized at 68 Fed. Reg. 33640 (June 5, 2003) ("Order"). On August 20, 2003, GLP filed a "Consolidated Opposition" regarding the petitions for reconsideration filed by the Cellular Telecommunications & Internet Association and Cingular Wireless LLC. The petition filed by SBE and a petition filed by The Boeing Company were recently placed on Public Notice (69 Fed. Reg. 7484, Feb. 17, 2004). GLP and GUSA do not oppose the petition filed by The Boeing Company.

proceeding in support of ATC. GUSA holds a blanket license for mobile-earth terminals, and is the authorized Globalstar service provider in the United States.

Introduction. SBE's petition has the narrow focus of ATC systems in the 1.6/2.4 GHz MSS bands, specifically, those operating in the S-band (2483.5-2500 MHz). As SBE notes, in 1985, pursuant to footnote NG147 of the U.S. Table of Frequency Allocations (47 C.F.R. § 2.106), the Commission grandfathered stations of the Broadcast Auxiliary Service ("BAS") licensed to operate in S-band at what was then BAS Channel 10 of Band A.² In the Order (App. C3), the Commission had assumed that no BAS licensees continue to operate on BAS Channel 10, and, therefore, had assumed that there were no interference issues arising from BAS co-channel operation with MSS-ATC stations operating in S-band.³

SBE points out that approximately 80-90 licenses for BAS Channel 10 appear in the Wireless Telecommunications Bureau's Universal Licensing System ("ULS") database. SBE claims that licensed broadcasters' equipment for these stations should be replaced at the expense of ATC-MSS licensees if they plan to use S-band for ATC transmissions. SBE also suggests that the extant BAS stations be converted to digital operations so that the licensees will have access to at least three

² See Allocating Spectrum for and Establishing Other Rules Pertaining to a Radiodetermination Satellite Service, 58 RR 2d 1416, 1421 (1985); 47 C.F.R. § 74.602(a).

³ Order, 18 FCC Rcd at 2207, App. C3, § 4.2.2. The Commission determined that it would be possible for MSS-ATC systems to coordinate co-frequency operation with fixed and temporary fixed terrestrial stations. See id. at 2206, § 4.2.1.

separate channels within Channels 8 and 9, for use in those situations when they would have used Channels 8, 9 and 10 simultaneously.

Currently, the Globalstar system is the only operational MSS system using the S-band for MSS, and would, under the Commission's rules for ATC, be the only MSS system that could obtain a license to provide ATC in S-band. GLP and GUSA recognize that MSS-ATC and BAS Channel 10 stations would not be able to operate co-frequency in the same geographic area. However, if the Commission is correct that no operational BAS stations remain in Channel 10, then the Commission should terminate all BAS rights to operate at that channel and clarify the status of the licenses in ULS.

If there are a few such operational BAS stations, then relocation is an appropriate remedy, subject to conditions sufficient to protect the rights of both parties. GLP and GUSA propose the following conditions:

Proposed Conditions. First, unlike MSS which transmits from satellites across the entire United States, it is unlikely that an ATC system deployed by Globalstar would operate throughout the United States. As Globalstar has described its proposed ATC system, ATC would be used to enhance the availability of Globalstar service primarily in a few urban centers where a user on the ground has difficulty obtaining line of sight to the satellites.⁴ Therefore, any requirement

⁴ See Globalstar "Comments" filed in IB Docket 01-185 on October 22, 2001; "Response to FCC Public Notice 02-554" filed on March 22, 2002; and "Ex Parte Presentation" filed on June 27, 2002.

to convert Channel 10 stations to other facilities should be limited to those BAS licensees operating in proximity to the geographic service zone of an ATC site.

Second, the authorized conversion for a Channel 10 licensee must be limited to conformity with the existing BAS channel plan (47 C.F.R. § 74.602(a)). An MSS licensee should not be required to convert a BAS facility to a channel plan that might require conversion of other neighboring BAS stations not operating on Channel 10. The Commission's rules do not currently allow for a "three-channel" plan within BAS Channels 8 and 9. While Globalstar would be willing to consider conversion to digital operations, it would be unreasonable to convert BAS stations to a three-channel operation if it would set off a daisy-chain of conversion for other BAS facilities.

Third, because S-band is the only spectrum available to MSS Above 1 GHz licensees for base station-to-user terminal links, BAS licensees of Channel 10 should be required to negotiate conversion. If the MSS licensee makes a good faith attempt to negotiate conversion, and the BAS licensee chooses not to negotiate conversion, the BAS Channel 10 station license should be terminated or deemed secondary to MSS-ATC.

Fourth, the MSS licensee should not be required to pay more than the costs of replacement equipment and other costs reasonably related to conversion, consistent with the Commission's rules for conversion of BAS stations by 2 GHz MSS licensees in 47 C.F.R. § 74.690(c).

Finally, given the discrepancy between the Commission's findings on Channel 10 licenses and SBE's ULS search, the Commission should require Channel 10 licensees to demonstrate, as a condition to conversion, that (a) their licenses conform to Footnote NG147, (b) their licenses had not expired prior to, and (c) they were actually using Channel 10 for BAS purposes as of February 10, 2003, the date on which were released the rules adopted in the Order permitting ATC use of the 2483.5-2500 MHz band.

Conclusion. GLP and GUSA support the Commission's effort to allow MSS licensees to deploy ATC. Therefore, it is important to clarify the status of any BAS licenses for Channel 10 that may still be valid.

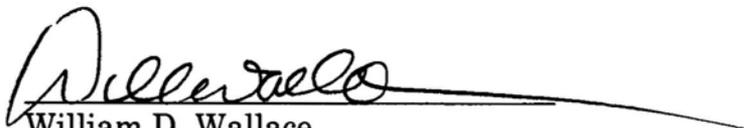
Assuming valid BAS Channel 10 licenses remain, the Commission should use its substantial experience with rules and policies governing relocation of stations to develop rules governing relocation of these facilities. However, such rules should protect the ability of 1.6/2.4 GHz MSS licensees to deploy ATC, and should not make it more difficult for an MSS licensee to deploy ATC in the 1.6/2.4 GHz bands than it is for MSS licensees to deploy ATC at either L-band or 2 GHz. Accordingly, if relocation procedures are needed, GLP and GUSA urge the Commission to adopt rules and policies for relocation of BAS Channel 10 stations consistent with those principles outlined above.

Respectfully submitted,

GLOBALSTAR, L.P.
GLOBALSTAR USA, L.L.C.

Of Counsel:

William F. Adler
Vice President, Legal and
Regulatory Affairs
Globalstar, L.P.
3200 Zanker Road
San Jose, CA 95134
(408) 933-4401



William D. Wallace

CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington D.C. 20004
(202) 624-2500

Their Attorneys

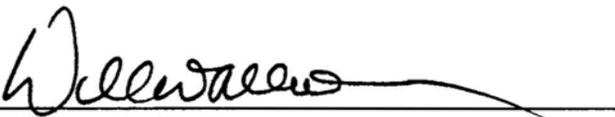
Date: March 3, 2004

CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 3rd day of March, 2004, caused to be served true and correct copies of the foregoing "Opposition of Globalstar, L.P. and Globalstar USA, L.L.C." upon the following persons via first-class, United States mail, postage prepaid:

Joseph P. Markoski
Bruce A. Olcott
Squire, Sanders & Dempsey, L.L.P.
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044-0407

Christopher D. Imlay, Esq.
Booth, Freret, Imlay & Tepper
14356 Cape May Road
Silver Spring, MD 20904


William D. Wallace