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February 6, 2006

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation in IB Docket Nos. 02-364, 05-220, and 05-221

Dear Ms. Dortch:

On February 6, 2006, the undersigned, Counsel to Globalstar LLC, and William F. Adler, Globalstar's General Counsel, met with Aaron Goldberger, legal advisor to Commissioner Deborah Taylor Tate, to discuss Globalstar's views in the above-referenced proceedings. The handout distributed at the meeting is attached to this letter.

Pursuant to Sections 1.49(f) and 1.1206(b) of the Commission's rules, this letter has been filed through the Commission's electronic comment filing system.

Sincerely yours,

Josh L. Roland
Counsel to Globalstar USA, LLC

cc: William F. Adler
Aaron Goldberger

Globalstar LLC

February 6-7, 2006

Globalstar Background

- The 1.6/2.4 GHz MSS spectrum is licensed to Globalstar and Iridium for operating low earth orbit (LEO) MSS systems
- Globalstar provides voice and data communications using its constellation of 40 satellites
- Globalstar has been providing service for more than 5 years and has successfully marketed its service to a number of niche markets, including: emergency response providers, commercial and pleasure ship companies, private aviation
- In January 2006, Globalstar was granted authority to implement an ancillary terrestrial component (ATC) -- ATC will greatly enhance Globalstar service
- In the wake of Hurricanes Katrina and Rita, Globalstar's system remained operational, highlighting the importance of MSS

Globalstar

The Big LEO MSS Band - Background

- Globalstar operates its CDMA MSS system at 1610-1621.35 MHz (Uplink)(L-band) and 2483.5-2500 MHz (Downlink)(S-band)
- Iridium operates its TDMA MSS system at 1621.35-1626.5 (Bidirectional)
- CDMA MSS systems were assigned more spectrum because use of the assigned CDMA spectrum is limited by the need to accommodate:
    - GPS/GLONASS
    - Radio-Astronomy
    - FAA and RTCA regulations
    - Industrial-Scientific-Medical devices
    - Fixed terrestrial services
- Globalstar is fully using its assigned spectrum

Globalstar

The Big LEO MSS Band (cont.)

- In 2004, the Commission required Globalstar to share a segment of its assigned spectrum with Iridium in the L-band (1618-1621.35 MHz)
  - The decision ignored Globalstar's unrebutted technical showings that CDMA and TDMA systems cannot effectively "share" spectrum
  - There is no evidence that Iridium is fully using the "shared" spectrum
  - Iridium has not approached Globalstar to seek a formal sharing agreement
- Limited arrangements to share spectrum on an as-needed basis can effectively meet any of Iridium's temporary capacity needs

Globalstar

Pending Matters Will Affect Globalstar's Prospects for Long Term Success - Big LEO L-Band

- Now the Commission is considering requiring Globalstar to share *even more* L-band spectrum (IB Docket 02-364)
- Globalstar cannot afford further erosion of its spectrum allocation
  - Globalstar's business continues to grow and rely more on its spectrum
    - Restricting spectrum at this time might restrict Globalstar's potential
  - In order to share with Radio Astronomy, Globalstar requires spectrum above 1615
    - Globalstar users within 100 km of a Radio Astronomy site cannot use frequencies below 1615
  - Globalstar requires spectrum above 1616 to provide its aviation services
  - U.S. government agencies want priority restoration service which cannot be provided in shared spectrum
  - Globalstar and its business partners are innovating rapidly - new products not based on standard phone require discrete blocks of spectrum
  - Further erosion of spectrum impairs Globalstar's ability to provide ATC services

Globalstar

Pending Matters Will Affect Globalstar's Prospects for Long Term Success - Big LEO L-Band (cont.)

- Iridium has more spectrum than it needs to grow its system
- Globalstar presented unrebutted evidence in IB Docket No. 02-364 that Iridium's capacity limitations are the result of design or operational shortcomings, not a spectrum shortage
  - The public interest does not warrant handicapping Globalstar to cure Iridium's technical problem
- Iridium's inability to allocate and use spectrum nationally or regionally, acknowledged only in 2003, contributes to the inefficient use of its spectrum globally
- A formal sharing agreement for the 1618.25-1621.35 MHz band segment is unlikely absent FCC mandate

Globalstar

Globalstar's 2 GHz Band Authorization

- Globalstar was originally issued a license in the 2 GHz MSS band, but the license was revoked on grounds that Globalstar believes are legally erroneous and the company has asked the FCC to reconsider.
  - It is critical that Globalstar have enough spectrum to meet the growing needs of public safety, first responder, and other customers
  - The 2 GHz spectrum band is the only available MSS expansion spectrum, and is ideally suited for that purpose
- It is not to late to ensure that Globalstar has an opportunity to provide service in the 2 GHz band
  - Globalstar has made a strong case for reinstatement on both legal and policy grounds
  - Chairman Martin expressed serious doubts about the Commission's decision in his Separate Statement
  - Globalstar has supplemented its pending petition for reconsideration to present a thoughtful and achievable proposal for constructing a 2 GHz satellite
  - Globalstar is in active discussions with two satellite manufacturers

Globalstar

Globalstar's 2 GHz Band Authorization (cont.)

- On December 9, 2005, the FCC reserved all of the spectrum in the 2 GHz band to two foreign-licensed companies, ICO and TMI, that already held 8 MHz of spectrum each in that band
  - One of those companies (TMI) is merely a holding company that does not sell phones or service
  - The other (ICO) has never provided a telecommunications service of any kind
- In reaching this decision, the FCC refused to reserve a portion of the spectrum for other providers such as Globalstar, creating a legal duopoly in the 2 GHz MSS market
- Globalstar believes that the FCC's December 9th Order was wrong, and has filed for reconsideration:
  - Globalstar stands ready, willing, and financially able to construct and launch a robust and viable 2 GHz MSS system, and needs only the opportunity
  - Given the vital public communications needs that the mobile satellite industry serves, the FCC should not have shut out Globalstar

Globalstar

Globalstar's 2 GHz Band Authorization (cont.)

- The Commission's rationale that its decision will speed the delivery of MSS services for first responders and other public safety providers has no factual basis
  - During the 2004 hurricanes, only Globalstar and Iridium (and not TMI or ICO) provided the essential services for first responders
  - Neither TMI nor ICO will have their 2 GHz systems in operation for at least two years, and perhaps longer, and there is no requirement that they provide any extraordinary service to the public safety community, as Globalstar has done
  - If Globalstar receives access to some of the 2 GHz spectrum, it will continue to meet the high priority needs of national security and emergency preparedness agencies

Globalstar

Globalstar's 2 GHz Band Authorization (cont.)

- The December 9th Order restricts competition and discourages innovation in the 2 GHz MSS marketplace by creating an artificial duopoly
  - The decision violates the FCC's own express policy in favor of having at least three service providers in any spectrum band, by excluding everyone but two foreign-licensed companies, TMI and ICO, from the 2 GHz marketplace

- The Order granted more spectrum to TMI and ICO than either has shown a need for
  - The FCC's decision creates an unjustified spectrum windfall for TMI and ICO, while flatly ignoring the compelling case that Globalstar has made as to why it needs additional spectrum. TMI and ICO already have a substantial amount of 2 GHz spectrum and have committed to building their systems with the spectrum they have

Globalstar

Globalstar's 2 GHz Band Authorization (cont.)

- The December 9th Order failed to consider the corporate relationship between TMI and another MSS provider – Mobile Satellite Ventures Subsidiary, LLC ("MSV")
  - The FCC ignored the fact that TMI and MSV operate as one business and that MSV itself has 20 MHz of MSS spectrum in another frequency band.
  - That combined entity now will control *twice* the amount of spectrum held by any other MSS licensee serving the U.S. market

Globalstar