

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Request by Globalstar, Inc. To Expand)	RM-11339
Its Ancillary Terrestrial Component ("ATC"))	
Authority to Encompass Its Full Assigned)	
Spectrum)	
)	
)	
)	

REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. ("T-Mobile") submits these Reply Comments in response to the Petition for Rulemaking ("Petition") filed by Globalstar, Inc. ("Globalstar")¹ and the comments submitted in response to that Petition.

INTRODUCTION

Globalstar would have the Commission believe that it must use the entire 2483.5-2500 MHz band (the "S-Band") of its mobile satellite service ("MSS") spectrum for Ancillary Terrestrial Component ("ATC") operations for it to be on equal footing with other MSS providers. But Globalstar does not show why it needs more spectrum to offer a supposedly ancillary service, or how two terrestrial services can share the same spectrum in the same area without causing harmful interference. Because Globalstar's Petition is contrary to sound spectrum management, the Commission should deny the Petition.

¹ Globalstar Petition for Expedited Rulemaking for Authorization to Provide Ancillary Terrestrial Component Services in Its Entire Spectrum Allocation, RM-11339, filed June 20, 2006 (the "Globalstar Petition").

I. GLOBALSTAR DOES NOT NEED MORE ATC SPECTRUM

The Commission granted Globalstar's request to use a portion of its allocated MSS spectrum for ATC operations in January 2006.² Only five months later, Globalstar returned to the Commission with its Petition, insisting that it needs ATC authority for *all* of its assigned spectrum "to meet the current and future needs of its customers."³ But Globalstar provides no support for nearly a threefold increase in ATC spectrum. Indeed, as Sprint Nextel notes, Globalstar has not built a single base station or deployed terrestrially-based service to a single customer.⁴ Globalstar's alleged "need," therefore, is entirely speculative.

Nor is Globalstar's claim that expanding ATC services benefits public safety anymore persuasive. While it may be true that "a significant number of Globalstar's customers are first responders and other public safety officials,"⁵ Globalstar never explains the nexus between expanding its ATC authority and improving communications service for these important groups. Globalstar points to the "vital" role it played in providing communications during the 2005 hurricane season,⁶ yet, as WCA correctly asserts, all of the emergency communications services Globalstar cites were provided over its *satellite* network, "*without any assistance of ATC.*"⁷ While T-Mobile agrees that

² *Globalstar LLC*, Order and Authorization, File No. SAT-MOD-20050301-00054, 21 FCC Rcd 398 (IB 2006) ("Globalstar ATC Authorization").

³ Globalstar Petition at 1.

⁴ See Opposition of Sprint Nextel Corporation, RM-11339 (Filed August 28, 2006) at 2.

⁵ Globalstar Petition at 2.

⁶ See Globalstar Petition, 2-6.

⁷ Opposition of Wireless Communications Association International, Inc., RM-11339 (Filed August 28, 2006) at 5-6.

terrestrial wireless services are essential during and after disasters, there already are a number of wireless carriers operating in virtually every market in the country to satisfy this need. Contrary to Globalstar's assertions, a Globalstar-operated ATC system will do nothing to enhance public safety communications.

II. GLOBALSTAR CANNOT EXTEND ATC OPERATIONS INTO THE ENTIRE S-BAND WITHOUT CAUSING HARMFUL INTERFERENCE

Globalstar makes much of the purported disparate treatment between itself and other MSS providers, "each of which has access to its full MSS spectrum allocation to provide ATC services."⁸ But it is treated differently precisely because it is *not* similarly-situated.⁹ Indeed, Globalstar itself acknowledges that its "spectrum is unique in its sharing responsibilities."¹⁰

Globalstar currently provides MSS in the entire S-Band (2483.5-2500 MHz), but has authority to provide ATC operations solely in the 2487.5-2493 MHz segment of the band. BRS Channel 1, a terrestrial service, will soon be relocated to the upper portion of the S-Band (2496-2500 MHz),¹¹ and as a bidder in the Advanced Wireless Services ("AWS") auction, T-Mobile has a strong interest in ensuring that this transition happens smoothly and efficiently. Although BRS and MSS can operate in the same spectrum without causing harmful interference, numerous commenters have pointed out that the

⁸ Globalstar Petition at 2.

⁹ See Opposition of CTIA-The Wireless Association®, RM-11339 (Filed August 28, 2006) at 3.

¹⁰ CTIA Opposition at 3 (citing Globalstar Petition at 19).

¹¹ See *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Services*, Ninth Report and Order and Order, 21 FCC Rcd 4473 (2006) ("Ninth R&O").

same is not true with two terrestrial services.¹² Globalstar has not demonstrated (nor can it) that its ATC service, when operated co-channel to a BRS licensee, would not unreasonably interfere with the BRS operations.

This should come as no surprise. The Commission has long considered it essential to separate ATC operations from BRS licensees.¹³ Indeed, in its *Big Leo Spectrum Sharing Order*, the Commission recognized that "[b]y moving the ATC band [down five megahertz, from 2492.5-2498 to 2487.5-2493 MHz,] we have even greater frequency separation (i.e., 2 megahertz plus 1 megahertz guard band from 2495-2496 MHz) to protect BRS" from overlapping ATC operations.¹⁴ Just five months ago, the Commission affirmed this decision.¹⁵ Even Globalstar has previously conceded—as WCA notes—that "a Globalstar ATC system could not share frequencies with another terrestrial service."¹⁶

In the end, Globalstar's main goal is a spectrum-sharing regime where it is allowed to operate ATC services in the 2495-2500 MHz band on a secondary basis to

¹² See WCA Opposition, CTIA Opposition, and Sprint Nextel Opposition.

¹³ See *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands, Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 1962, ¶ 204 (2003) ("ATC Report and Order").

¹⁴ *Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands, Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, Report and Order, Fourth Report and Order, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 13356, ¶¶ 69, 72-74 (2004) ("*Big LEO Spectrum Sharing Order*"), aff'd in relevant part on recon. Order on Reconsideration and Fifth Memorandum Opinion and Order and Third Memorandum Opinion and Order and Second Report and Order, 21 FCC Rcd 5606, at ¶ 7 (2006) ("*Big LEO Spectrum Sharing Recon Order*"). See also CTIA Opposition at 5.

¹⁵ See *Big LEO Spectrum Sharing Recon Order* at ¶ 29. See also CTIA Opposition at 5.

¹⁶ WCA Opposition at 7-8 (citing letter from William D. Wallace, Esq., Counsel for Globalstar, L.P. IB Docket No. 01-185, at 4 (Filed February 26, 2004)).

BRS licensees.¹⁷ "Such an approach," as CTIA observes, "is contrary to the Commission's basic spectrum policy principles."¹⁸ Nothing in the Petition warrants the reversal of the Commission's long-standing policy of assigning frequency blocks among terrestrial users on an exclusive basis.

Co-channel interference problems are inevitable if Globalstar were allowed to operate terrestrial services in the entire S-Band. The Commission, therefore, should maintain the limits on Globalstar's authority and prohibit ATC operations in the 2493-2500 MHz portion of the S-Band.

CONCLUSION

For the foregoing reasons, T-Mobile respectfully requests that the Commission deny Globalstar's Petition.

Respectfully submitted,

By: *Kathleen O'Brien Ham*

Kathleen O'Brien Ham, Managing
Director, Federal Regulatory Affairs
Sara Leibman, Director, Federal
Regulatory Affairs
Patrick Welsh, Corporate Counsel, Federal
Regulatory Affairs

T-Mobile USA, Inc.
401 9th Street, NW
Suite 550
Washington, DC 20004

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¹⁷ See Globalstar Petition, 25-26.

¹⁸ CTIA Opposition at 6.

CERTIFICATE OF SERVICE

I, Patrick Welsh, do hereby certify that on this 12th day of September 2006, I caused copies of the foregoing "Reply Comments of T-Mobile USA, Inc." to be delivered to the following via First Class U.S. mail:

William F. Adler
Vice President-Legal & Regulatory
Affairs
Globalstar, Inc.
461 S. Milpitas Blvd.
Milpitas, CA 95035

William T. Lake
Josh L. Roland
Nathan Mitchler
Wilmer Cutler Pickering Hale and Dorr
LLP
1875 Pennsylvania Ave., NW
Washington, DC 20006

/s/ Patrick Welsh