



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 10, 2010

The Honorable Kay Bailey Hutchison  
Ranking Member  
Committee on Commerce, Science, and Transportation  
United States Senate  
560 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Hutchison:

Thank you for your letter expressing concerns about the *Order* approving the transfer of control of licenses and authorizations from SkyTerra Communications, Inc., to Harbinger Capital Partners Funds. The *Order*, issued on March 26, 2010 by the Chiefs of the International Bureau, the Office of Engineering and Technology, and the Wireless Telecommunications Bureau, conditions approval on Harbinger's adherence to certain voluntary commitments it made regarding the construction and operation of a proposed integrated satellite/terrestrial "fourth-generation" mobile broadband network. The conditions about which you expressed concern require Harbinger to obtain prior Commission approval before entering into certain business arrangements with whatever companies are the largest and second largest wireless providers at the time of the arrangement. The *Order* does not prohibit any arrangements *ex ante*.

AT&T, Inc., and Verizon Wireless have petitioned the Bureaus to reconsider the *Order* to the extent that approval is conditioned on Harbinger's compliance with such conditions. The reconsideration petitions are opposed by Sprint Nextel Corporation and several organizations designated as the Public Interest Spectrum Coalition. AT&T and Verizon Wireless have submitted replies to these oppositions. The Bureaus presently are reviewing these filings and assessing the appropriate action to take to resolve the legal arguments presented by the petitions for reconsideration.

The questions posed in your letter involve many of the issues currently before the Bureaus in the ongoing reconsideration docket. To ensure that the Bureaus will have a complete record on which to proceed, they have included your letter in the record of the pending proceeding.

I appreciate your interest and concerns about this matter. We will keep your staff informed on the status of the pending proceeding. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski".

Julius Genachowski