

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Fixed and Mobile Services in the Mobile	)	
Satellite Service Bands at 1525-1559 MHz	)	ET Docket No. 10-142
and 1626.5-1660.5 MHz, 1610-1626.5	)	
MHz and 2483.5-2500 MHz, and 2000-	)	
2020 MHz and 2180-2200 MHz	)	

**REPLY COMMENTS OF LIGHTSQUARED SUBSIDIARY LLC**

LightSquared Subsidiary LLC (“LightSquared”) hereby files these reply comments in the above-captioned proceeding.<sup>1</sup> In the *MSS Flexibility NPRM/NOI*, the Commission made specific proposals to increase flexibility of use of Mobile Satellite Service (“MSS”) bands, and invited comments on other steps it could take to remove regulatory barriers and promote additional investment in the use of this spectrum for wireless broadband. As discussed below, virtually all commenters support and, indeed, no party opposes the Commission’s efforts to provide additional flexibility to MSS operators seeking to deploy an Ancillary Terrestrial Component (“ATC”).

With respect to the Commission’s specific proposals, there is widespread support for extending the FCC’s secondary markets policies and rules to MSS spectrum used for ATC. Commenters from across the industry agree that doing so would serve the public interest by creating greater predictability, consistency, and transparency among all spectrum leasing arrangements involving terrestrially-based mobile service offerings, and would likely have the

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<sup>1</sup> *In the Matter of Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz*, ET Docket No. 10-142, FCC 10-126 (July 15, 2010) (“*MSS Flexibility NPRM/NOI*”).

effect of accelerating deployment of ATC networks.<sup>2</sup> A number of commenters agree with LightSquared that *de facto* leasing arrangements should be permitted so long as such arrangements maintain compliance with all applicable rules, including technical requirements and gating criteria.<sup>3</sup> Accordingly, the record in this proceeding demonstrates that the Commission can best encourage innovative approaches to broadband deployment by simply extending the secondary market rules as proposed and not imposing an unnecessary requirement to comply with other rules and policies.<sup>4</sup>

In response to the NOI, various commenters also support providing additional flexibility for MSS/ATC operators. For example, a number of commenters agree with LightSquared that the Commission should eliminate the FCC's ground spare gating requirement.<sup>5</sup> While LightSquared supports the objective of requiring ATC service providers to remain *bona fide* satellite service providers in the event their satellites fail, there are better means already in place, namely a number of other gating criteria that render the costly ground spare obligation unnecessary.<sup>6</sup> Other parties agree with LightSquared that the requirement imposes an unnecessary and costly burden on MSS/ATC operators, while providing no real benefit. The Commission should move promptly to propose a revision to the rule eliminating this requirement and grant any waivers of the requirement in the interim.

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<sup>2</sup> See, e.g., Comments of AT&T Inc., at 7-8; Comments of EchoStar Satellite Services L.L.C., at 5; Comments of MSS ATC Coalition, at 12-13; Comments of T-Mobile USA, Inc., at 4-5; Comments of Verizon Wireless, at 7.

<sup>3</sup> See, e.g., Comments of Cricket Communications, Inc., at 6-8; Comments of Mobile Satellite Users Association, at 4; Comments of the MSS ATC Coalition, at 14; Comments of TerreStar Networks Inc., at 6; Comments of Verizon Wireless, at 7.

<sup>4</sup> See Comments of LightSquared Subsidiary, LLC, at 8-9.

<sup>5</sup> See, e.g., Comments of Cricket Communications, Inc., at 12; Comments of Globalstar, Inc., at 10-16; Comments of LightSquared Subsidiary LLC, at 9; Comments of TerreStar Networks Inc., at 7-9.

<sup>6</sup> See Comments of LightSquared, at 9-10. For example, the integrated service, geographic coverage, and commercial availability gating requirements each would require the continued provision of satellite service within a reasonable time in the event of a satellite failure.

With respect to the Commission’s inquiries regarding spectrum fees, all parties addressing this issue urge the Commission not to impose spectrum fees on the use of MSS/ATC spectrum.<sup>7</sup> As they explain, such fees are likely to impede the use of MSS/ATC spectrum for mobile wireless broadband in contravention of the Commission’s goals.

While not objecting in principle to providing greater flexibility for MSS/ATC operators, one commenter, the U.S. GPS Industry Council (“USGIC”), claims that the Commission’s proposals reflect a “paradigm shift” to new services that would authorize a “dense deployment” of mobile terrestrial broadband services that threatens the utility of the bands used for Radionavigation-Satellite Service, including Global Positioning Service (“GPS”).<sup>8</sup> The technical characteristics of ATC are not at issue in this proceeding. No proposal in this proceeding suggests any change to the technical limits, interference environment, or “density of deployments” already permitted for ATC operations.<sup>9</sup> USGIC’s concerns regarding interference, as well as the concerns of others regarding density of deployment, were addressed and resolved

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<sup>7</sup> See Comments of Inmarsat, at 34; Comments of LightSquared Subsidiary, LLC, at 10; Comments of Mobile Satellite Users Association, at 3-4; *see also* Comments of TerreStar Networks Inc., at 20 (noting that Industry Canada recently set an interim fee at a reasonable rate given the nascent nature of the MSS/ATC industry).

<sup>8</sup> See generally, Comments of the USGIC. In a letter submitted to the Office of Engineering and Technology, the NTIA urges the Commission to ensure that any changes to its rules will continue to provide the current level of protection to the GPS band. Letter from Karl Nebbia, Associate Administrator, Office of Spectrum Management, NTIA, to Julius Knapp, Chief, Office of Engineering and Technology, FCC, at 1-2 (July 14, 2010) (“NTIA Letter”). LightSquared has no objection. NTIA states generally that it “supports [the FCC’s] initiative and believes that additional spectrum can be made available for mobile broadband consistent with the recommendations in the National Broadband Plan” but also reminds the Commission that terrestrial operations in MSS bands must continue to protect services, such as RAS, SARSAT, GMDSS, and AMS(R)S. *Id.* at 2-4. LightSquared is aware of its obligations under the FCC’s rules to protect such services and is committed to doing so.

<sup>9</sup> One commenter, Globalstar, argues that MSS/ATC operators should be permitted to use any technology or protocol (e.g. WIMAX or LTE) for terrestrial use without having to seek further operational authority from the Commission. Comments of Globalstar, Inc., at 19. This proposal, however, does not alter the technical limits or interference environment for ATC operations.

in the rulemaking proceeding authorizing ATC operations,<sup>10</sup> and several times in subsequent ATC licensing proceedings of LightSquared and others.<sup>11</sup>

As USGIC acknowledges, in the course of the various ATC proceedings, which began in 2001, LightSquared consistently has worked with USGIC to analyze the potential interference to GPS devices and made reasonable, voluntary commitments to protect GPS devices. This, however, is not the appropriate proceeding for USGIC to once again litigate concerns over technical limits.

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<sup>10</sup> See *In the Matter of 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*, Order, 18 FCC Rcd 1962, at ¶¶65-102 (2003) (defining ancillary service as that which meets the gating criteria and rejecting, as inefficient, other proposed requirements that satellite service be predominant or primary or ATC service be limited to areas where satellite service is not available); Order on Reconsideration, 20 FCC Rcd 4616, at ¶ 48 (2005) (“Our overall limit on the interference an MSS/ATC operator may cause to other MSS systems obviates the need for a numerical limit on ATC base stations.”).

<sup>11</sup> As USGIC notes, it obtained agreements with MSS/ATC licensees to comply with more stringent out-of-band-emissions (“OOBE”) limits than those required by the rules to protect GPS. See, e.g., Letter from USGIC and MSV to Marlene H. Dortch, IB Docket No. 01-185 (July 17, 2002); USGIC, Petition for Reconsideration, IB Docket No. 01-185 (June 11, 2003); Letter to Marlene H. Dortch from Raul R. Rodriguez, Counsel to USGIC, File Nos. SAT-MOD-20031118-00333, SAT-AMD-20031118-00332, SES-MOD-20031118-01879 (March 24, 2004). See also *Mobile Satellite Ventures Subsidiary LLC*, 19 FCC Rcd 22144, at ¶ 95(c) (Int’l Bur. 2004); *New ICO Satellite Services G.P.* 24 FCC Rcd 172, at ¶¶ 65, 69(g) (Int’l Bur. 2009); *TerreStar Networks Inc.*, 25 FCC Rcd 228, at ¶¶ 28, 34(d) (Int’l Bur. 2010). Moreover, USGIC most recently participated in the proceeding to consider the application by LightSquared’s predecessor, SkyTerra, to modify the technical limits of its ATC authorization, and withdrew from that proceeding upon a satisfactory resolution of its concerns. See Comments of the USGIC, File Nos. SAT-MOD-20090429-00047, SAT-MOD-20090429-00046, and SES-MOD-20090429-00536 (July 10, 2009); Letter from USGIC to Marlene H. Dortch, File Nos. SAT-MOD-20090429-00047, SAT-MOD-20090429-00046, and SES-MOD-20090429-00536 (August 17, 2009) (withdrawing from proceeding).

