

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

In the Matter of)	
)	
Fourth Annual Report to Congress on Status)	IB Docket 10-99
of Competition in the Satellite Services)	
Industry)	
)	

SUR-REPLY OF IRIDIUM SATELLITE LLC

Iridium Satellite LLC (“Iridium”) hereby submits this sur-reply to comments filed by Globalstar Licensee LLC (“Globalstar”) in the International Bureau’s (“Bureau’s”) proceeding¹ seeking information on the status of competition in the satellite services industry.² As explained in Iridium’s comments filed August 23, 2010, Iridium has experienced difficulty obtaining landing rights in foreign markets.³ These difficulties are not necessarily because of the legal or regulatory practices of foreign nations, but are due largely to Globalstar’s misrepresentations of the United States’ licensing and spectrum positions abroad.⁴

In its Reply Comments filed September 24, 2010, Globalstar alleges that Iridium’s difficulties in obtaining foreign landing rights are attributable to the potential for interference to Radio Astronomy Service (“RAS”) operations in the 1610.6-1613.8 MHz band and not a

¹ *International Bureau Invites Comment for Fourth Annual Report to Congress on Status of Competition in the Satellite Services Industry*, Public Notice, DA 10-1353 (rel. Jul. 22, 2010) (Satellite Competition Public Notice”).

² To the extent necessary, and in order to ensure the Commission has a complete record upon which to base its report to Congress, Iridium respectfully requests leave to file this sur-reply, pursuant to Section 1.41 of the Commission’s rules, 47 C.F.R. § 1.41.

³ Comments of Iridium Satellite LLC, IB Docket No. 10-99, at 6 (Aug. 23, 2010) (“Iridium Comments”).

⁴ *Id.*

consequence of Globalstar's actions.⁵ While Iridium acknowledges the potential for interference with RAS operations, it is not the primary reason for Iridium's inability to obtain landing rights in certain foreign markets. Indeed, Iridium understands and accepts its obligations to work with RAS, and takes special precaution to prevent interference to the RAS whenever possible.

The primary reason for Iridium's difficulty in obtaining landing rights in foreign markets is Globalstar's actions abroad. In France, for example, Globalstar's misrepresentations have led to difficulties in Iridium obtaining access to spectrum. Since 2004, French regulatory authorities have denied Iridium access to additional portions of the L-band, including the portion of the band that the Commission reallocated from Globalstar to Iridium.⁶ Instead of endorsing the spectrum division approved by the Commission, the French regulatory authorities have required Iridium to prove that its system would "not cause interference into the 'CDMA networks' (Globalstar) even on spectrum that is licensed by the relevant ITU registering administration (United States) exclusively to TDMA networks (Iridium)."⁷ Moreover, the French National Frequencies Agency recently licensed Globalstar to use the entire Big LEO L-band, including all the L-band spectrum the United States exclusively assigned to Iridium.⁸

⁵ Reply Comments of Globalstar Licensee LLC, IB Docket No. 10-99, at 3 (Sep. 24, 2010) ("Globalstar Comments").

⁶ Petition to Deny of Iridium Satellite LLC, IBFS File No. SAT-AMD-20091221-00147 at 10 (filed Apr. 16, 2010).

⁷ *Id.*

⁸ Letter from Samir Jain, Counsel to Globalstar Inc., to Mindel De La Torre, Chief, International Bureau, FCC, Globalstar Licensee LLC, Designation: HIBLEO-4FL (ITU)/S2115 (FCC) and HIBLEO-X (ITU) (filed Nov. 12, 2010) (appending Official Gazette of the French Republic, French Electronic Communications and Postal Regulatory Authority, *Notice n° 2010-0879 dated 22 July 2010 concerning the application of for authorization to use frequency assignments for satellite system, lodged by the company Globalstar Europe SARL with the Agence nationale des fréquences*).

In addition, as Iridium noted earlier, Globalstar represented to foreign national regulatory authorities that Iridium lacked full rights to utilize the Big LEO L-Band spectrum reallocated to it by the Commission outside of the United States.⁹ Globalstar argued before the German Telecommunications regulator in April 2009 that the Commission's reallocation of the Big LEO L-band¹⁰ did not apply to its international space station operations. Globalstar contended that the *Modification Order* "had not led to any final results," even though the Commission's modification of Globalstar's license had taken effect on December 14, 2008.¹¹

By its own admission to the Commission, Globalstar also continued to operate in Russia on frequencies that the Commission had reassigned exclusively to Iridium. From December 15, 2008 until August 9, 2010, Globalstar continued to operate user terminals in the frequency band 1618.725 -1621.35 MHz from its three gateways in Russia, in direct contravention of the Commission's modification of Globalstar's license. In doing so, Globalstar prevented Iridium from applying for the use of these frequencies in Russia.

In sum, Globalstar's past behavior has resulted in demonstrable competitive harm to Iridium in foreign markets and poses a unique threat to competition in the U.S. market and internationally.

⁹ Iridium Comments at 6.

¹⁰ See *Spectrum and Service Rules for Ancillary Terrestrial Components in the 1.6/2.4 GHz Big LEO Bands; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, Second Order on Reconsideration, Second Report and Order, and Notice of Proposed Rulemaking, 22 FCC Rcd 19733 (2007); see also *Globalstar Licensee LLC, Call Sign S2115, Modification of Authority to Operate a Mobile Satellite Service System in the 1.6 GHz Frequency Band*, Order of Modifications, 23 FCC Rcd 15027 (2008) ("*Modification Order*").

¹¹ Iridium Comments at 6-7.

Respectfully submitted,

By: Donna Bethea Murphy
Donna Bethea Murphy
Vice President, Regulatory Engineering
Iridium Satellite LLC
1750 Tysons Boulevard, Suite 1400
McLean VA 22102

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