

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Improving Communications Services for) CG Docket No. 11-40
Native Nations by Promoting Greater)
Utilization of Spectrum Over Tribal Lands)

COMMENTS OF GLOBALSTAR, INC.

Globalstar, Inc. (“Globalstar”) hereby comments on the Federal Communications Commission’s Notice of Proposed Rulemaking in the above-captioned proceedings (the “*NPRM*”). Globalstar commends the Commission’s focus on the greater utilization of terrestrial wireless spectrum in Tribal lands and urges the Commission to focus as well on the significant benefits that Globalstar and other mobile satellite service (“MSS”) providers can provide to citizens in the Tribal lands. Unlike terrestrial providers, MSS operators can efficiently provide connectivity to virtually all Tribal areas, no matter how rural or remote. With Commission action, MSS can be a cost-efficient means of communications for residents throughout the Native Nations.

I. GLOBALSTAR’S MSS NETWORK CAN MAKE A MAJOR CONTRIBUTION TO IMPROVED COMMUNICATIONS SERVICES IN TRIBAL LANDS

As the Commission describes in the *NPRM*, Americans living in Native Nations currently have less access to telecommunications services than any other segment of the U.S. population. According to the most recent data, only 67.9 percent of households on Tribal lands have basic telephone service, compared to the national average of approximately 98 percent. Fewer than ten

percent of residents on Tribal lands have terrestrial broadband available.¹ As the Commission has noted, there are substantial barriers to deploying terrestrial telecommunications facilities throughout Tribal lands, including the prevalence of remote and rugged terrain, the lack of roads and other critical infrastructure, low population density, and the limited financial resources of citizens in these areas.²

MSS technology does not face many of the barriers to terrestrial build-out in the Native Nations. Satellite signals reach distant and remote locations that are unlikely to be served by terrestrial deployments. As the National Broadband Plan states, “[s]atellite has the advantage of being both ubiquitous and having a geographically independent cost structure, making it particularly well suited to serve high-cost, low-density areas.”³ Given the nearly ubiquitous, cost-effective nature of MSS, the Commission has recognized that MSS offers “an excellent technology for delivering basic and advanced telecommunication services to unserved, rural, insular or economically isolated areas.”⁴ Globalstar and other MSS operators already play an important role in providing emergency and safety-of-life services in the Native Nations, and, with the necessary regulatory action, MSS technology can be used to significantly reduce the persistent adoption gap for citizens residing in unserved and underserved areas of Tribal lands.

Going forward, Globalstar intends to play a key role in the provision of communications services to all Americans, including residents of Tribal lands. Since initiating commercial MSS

¹ *NPRM* ¶ 4.

² *Improving Communications Services for Native Nations, Notice of Inquiry*, CG Docket No. 11-41, ¶ 2 (rel. Mar. 4, 2011).

³ See FCC, “Connecting America: The National Broadband Plan,” at 137 (rel. March 16, 2010), *available at*: <<http://download.broadband.gov/plan/national-broadband-plan.pdf>> (“National Broadband Plan”).

⁴ *Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band*, Report and Order, 15 FCC Rcd 16127, ¶ 32 (2000).

in its Big LEO spectrum in 2000, Globalstar has been dedicated to providing mission-critical MSS offerings to the public, including emergency services and connectivity in rural and remote areas. Today, Globalstar uses its global non-geostationary (“NGSO”) MSS constellation to provide affordable, high-quality mobile satellite voice and data services to over 400,000 customers around the world. In recent years, Globalstar has focused on the development of affordable, consumer-oriented devices and services, most notably offering an innovative MSS device – the SPOT Satellite GPS Messenger (“SPOT”) – that plays a critical role in the provision of emergency and safety-of-life services to individual consumers beyond terrestrial wireless reach. To date, the SPOT has been used to initiate more than 1100 rescues in over 50 countries on land and at sea.

On October 19, 2010, Globalstar launched the first six satellites of its second-generation MSS constellation. Globalstar plans to conduct three additional launches of six satellites each before the end of 2011 to complete the deployment of its new constellation. Thus, by 2012, Globalstar expects to become the first global LEO MSS voice and data company to have launched a state-of-the-art, second-generation MSS system, one that is expected to support reliable and effective voice and data services well into the next decade. Globalstar’s unique constellation of satellites will provide uninterrupted service via overlapping satellite coverage no matter the terrain or rural location. Globalstar’s network will extend voice, data, and position location services via an installed global data backbone that includes a network of ground stations to assure subscriber communications throughout its global footprint.

With its new constellation and ground systems in place, Globalstar will provide consistently reliable service quality to existing voice and duplex data customers throughout its global footprint, including the United States. By 2013, Globalstar will also be able to provide

customers with new service features including advanced (and affordable) voice, two-way data, and messaging services, with data speeds of 256 kbps for fixed and mobile service. Given Globalstar's ability to provide these services in the nation's most rural and remote areas, these second-generation offerings have the potential to provide substantial benefits throughout the Native Nations.

II. TERRESTRIAL FLEXIBILITY IN MSS SPECTRUM WILL PROMOTE THE PROVISION OF ROBUST SATELLITE SERVICES IN TRIBAL LANDS

In order to facilitate the provision of robust, state-of-the-art satellite services to the Native Nations, the Commission should move quickly to adopt a new, more flexible regulatory framework for terrestrial operations in the Big LEO MSS band. Such action will help ensure the financial viability of the MSS sector, enabling providers to maximize their efforts in rural and remote areas such as the Tribal lands.

In the Commission's pending rulemaking on MSS-terrestrial issues, Globalstar set forth a detailed policy blueprint for the terrestrial use of MSS spectrum.⁵ Under this proposed framework, MSS licensees that provide substantial satellite service would have flexibility with respect to end-user equipment, customer subscriptions, the kinds of services provided, choice of technology, and lease arrangements.⁶ This terrestrial flexibility would advance the

⁵ See Comments of Globalstar, Inc., WT Docket No. 10-142 (Sep. 15, 2010) ("Globalstar Comments"); *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*, Notice of Proposed Rulemaking and Notice of Inquiry, 25 FCC Rcd 9481 (2010) ("*MSS NPRM & NOI*").

⁶ Globalstar Comments at 16-20. To effect these changes, the Commission can either adopt rules of general applicability in its above-captioned rulemaking proceeding, or grant this flexibility on a case-by-case basis through fair, even-handed consideration of licensees' waiver requests. See Reply Comment of Globalstar, Inc., SAT-MOD-20101118-00239, at 5-9 (Dec. 9, 2010).

Commission's goal of making more spectrum available for broadband.⁷ If Globalstar is able to utilize its spectrum terrestrially where customers generally do not depend upon MSS, it will have a greater ability to defray the substantial capital costs associated with deploying its second-generation space and ground infrastructure, as well as the ongoing operational cost of providing MSS. With this stronger financial foundation, Globalstar will be able to move forward aggressively with the provision of robust, state-of-the-art satellite services to the Native Nations and other areas with rural and remote communities. As the Commission addresses its pending rulemaking on MSS-terrestrial issues, it should consider the benefits that a financially reinvigorated MSS provider like Globalstar can provide to citizens of the nation's Tribal lands.⁸

⁷ As Globalstar has previously described, in contrast to other service bands, Big LEO spectrum can be added to the nation's broadband "spectrum inventory" very quickly, without the need for legislation or the relocation of incumbent licensees. Globalstar Comments at 22-23.

⁸ In the *NPRM*, the Commission indicates that its proposed Universal Service Mobility Fund would provide one-time support for the deployment of wireless service where such services are not now available, and that it plans to address the details of providing Mobility Fund support to unserved or underserved Tribal lands on a separate track. *NPRM* ¶ 15. Were the Commission to adopt a more flexible regulatory framework for terrestrial of Big LEO MSS spectrum, Globalstar could put Mobility Fund support to good use by negotiating arrangements for terrestrial wireless use of its spectrum in Tribal lands.

III. CONCLUSION

Globalstar urges the Commission to consider the significant benefits that MSS operators can provide to citizens in the Tribal lands. With the necessary regulatory action, MSS can be a reliable, cost-efficient means of communications for residents throughout the Native Nations.

Respectfully submitted,

L. Barbee Ponder IV
General Counsel & Vice President
Regulatory Affairs
Globalstar, Inc.
300 Holiday Square Blvd
Covington, LA 70433

/s/ Regina M. Keeney
Regina M. Keeney
Stephen J. Berman
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street NW, Suite 802
Washington, DC 20006
(202) 777-7700

Counsel for Globalstar, Inc.

May 19, 2011