

11-109

**From:** myIBFS  
**Sent:** Friday, January 27, 2012 2:23 PM  
**To:** Gerald Mays; Sarita Kale; Siva Appavu; Andrea Kelly; Stephen Duali; Kathryn Medley; CurTrisha Banks; Kathleen Campbell  
**Subject:** Pleadings and Comments Notification from MyIBFS

Type of Pleading: LETTER

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Filer Information:  
Heidi Williams  
AOPA

*Just the  
filer but not signature on ITR*

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Proceedings List

File Number	Callsign	Applicant
SATMOD2010111800239	S2358	LightSquared Subsidiary LLC

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FB Docket 11-109

January 27, 2012

The Honorable Julius Genachowski  
Chairman Federal Communications Commission (FCC)  
Office of the Commissioners  
445 12th Street, S.W. Room 8B201  
Washington, D.C. 20554

Re: AOPA Request for FCC Withdrawal of *Order and Authorization* granted to LightSquared subsidiary LLC for Modification of its Authority for Ancillary Terrestrial Component (ATC) [FCC File No. SAT-MOD-20101118-00239]

Dear Chairman Genachowski:

The Aircraft Owners and Pilots Association (AOPA) is the world's largest aviation association, comprised of general aviation pilots and aircraft owners. More than 400,000 members of AOPA utilize a wide range of aircraft types for both recreation and travel. In light of the recent findings of the National Executive Committee (EXCOM), Space-Based Positioning Navigation & Timing (PNT), AOPA requests that the Federal Communications Commission (FCC) issue an order withdrawing the *Order and Authorization* granted by the International Bureau (the "Bureau") to LightSquared subsidiary LLC ("LightSquared").

On January 26, 2011, the Bureau granted LightSquared a conditional waiver of the "integrated service" rule, which governed services provided by LightSquared using its Mobile Satellite Services (MSS) L-band spectrum. 47 C.F.R. § 25.149(b)(4). Under the "integrated service" rule, satellite communications providers are usually barred from offering devices that work on terrestrial networks alone, instead of dual satellite and terrestrial devices. The Bureau's waiver of this rule gave LightSquared permission to let its customers use only its land-based, tower-to-tower network without having to use devices that also pick up satellite signals. This gave LightSquared a commercial advantage over land-only carriers (such as Verizon and AT&T) because LightSquared could send transmissions between towers by satellite without requiring consumers to use satellite phones.

The Bureau conditioned its waiver of the "integrated service" rule on LightSquared's resolution of the harmful interference between LightSquared's spectrum and GPS devices. The FCC required LightSquared to assist a working group that would test and report on this issue. The FCC stated that LightSquared would not be permitted to begin providing new services until "the Commission, after consultation with NTIA [the National Telecommunications and Information Administration], concludes that the harmful interference concerns have been resolved and sends a letter to LightSquared stating that the process is complete."

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NTIA, in turn, asked the National Executive Committee (EXCOM), Space-Based Positioning Navigation & Timing (PNT), to complete the testing required by the FCC. EXCOM is a U.S. Government organization established by Presidential directive to advise and coordinate federal departments and agencies on matters concerning the Global Positioning System (GPS) and related systems. The National Executive Committee is chaired jointly by the Deputy Secretaries of Defense and Transportation. Its membership includes equivalent-level officials from several other federal agencies.

One year later, EXCOM's testing is now complete. In a letter dated January 13, 2012, EXCOM reported that multiple studies found that LightSquared's original and modified plans for its proposed mobile network would interfere with GPS receivers and GPS-dependent aircraft safety systems. Despite more than one year of work, EXCOM could not find any practical solutions for mitigation of this interference. EXCOM has therefore concluded that no further testing is warranted.

Under its regulations, the FCC may issue a waiver if special circumstances warrant a deviation from the general "integrated service" rule and such deviation will serve the public interest. 47 C.F.R. § 1.3. Because LightSquared's services will harmfully interfere with GPS receivers and GPS-dependent aviation safety systems, LightSquared's specific circumstances no longer warrant deviation from the general "integrated service" rule. In addition, because LightSquared's service will actually pose a danger to aviation safety, a waiver will not serve the public interest. Due to the extensive reliance on GPS by the general aviation community, any interference source is perceived as a safety threat.

AOPA therefore requests that the FCC issue an order withdrawing the January 26, 2011 conditional waiver without delay.

Respectfully,

A handwritten signature in black ink, appearing to read "me R", is positioned above the typed name.

Melissa Rudinger  
Senior Vice President  
Government Affairs