

February 14, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Lightsquared Petition for Declaratory Ruling
IB Docket No. 11-109; ET Docket No. 10-142

Dear Ms. Dortch:

On behalf of Proximiti Communications, Inc. (“Proximiti”), I am writing in support of the Petition for Declaratory Ruling filed by Lightsquared Inc. (“Lightsquared”) on December 20, 2011 and placed on public notice by the Commission on January 27, 2012. For sake of background, Proximiti has historically operated as a provider of VoIP communications and software services to small and medium sized business customers. However, Proximiti is now developing services providing cutting edge integration between wireline and wireless communications and applications software with a specific orientation toward health based initiatives.

Proximiti strongly believes that LightSquared’s planned 4G LTE wholesale offering provides specific benefits to smaller service providers such as us. By granting Lightsquared request for Declaratory Ruling the Commission will affirm that the public will benefit from enhancements inherent from competitive offerings. LightSquared’s Petition is extremely critical to providers such as Proximiti in facilitating our ability to broadly enter local, regional, and nationwide markets and serve consumers. Without an alternative such as that offered by Lightsquared, Proximiti believes that the current national wireless carriers will have a perverse incentive to minimize innovation in services particularly from smaller service providers.

For example, we believe LightSquared’s offerings and rates will significantly enhance Proximiti’s ability to provide home health care solutions that link patients, families, and caregivers to remotely monitor health conditions and often manage chronic conditions. Our home health care solutions are dependent upon our ability to obtain and utilize bandwidth on a wide scale basis. If such broadband can be obtained at significantly lower costs than available today and with more service provider control, the ability of market innovators to develop and deploy cutting edge solutions for daily living will be greatly enhanced.

As it specifically relates to Proximiti’s health related services, the Commission should certainly understand that seniors are often on fixed budgets. Furthermore, government programs are limited in supporting in home deployments of equipment for home health services even if

they can improve safety and health outcomes. As a service innovator, Proximiti believes today's wireless network are too expensive and restrictive to utilize effectively in maximizing the value of home health services. While truly competitive wholesale rates are enabling by themselves, the proposed LightSquared's architecture allowing real time control via our own servers and software is perhaps even more important. Lightsquared wholesale offerings should allow us to provide innovative solutions to address real problems that truly affect the quality of life in America today as well as offering the opportunity to save a large amount of unnecessary health costs. Our ability to offer our services to the largest base of potential customers will be significantly reduced if today's wireless structure is not modified as today's carriers are not truly driven to support competitive service innovation on an incremental cost basis.

Of further concern to Proximiti is that any Commission action that fails to fulfill LightSquared's access to the bandwidth made available to it through FCC auction would introduce significant regulatory uncertainty to the competitive communications market. At this time of economic uncertainty, the FCC needs to assertively uphold its competitive commitment if it expects companies like Lightsquared and its partners to attract investment and continue developing innovative communications solutions that truly benefit consumers. It bears emphasis that LightSquared's Petition does *not* ask the Commission to waive its rules or afford Lightsquared special treatment in any way. Rather, the Petition merely asks the Commission to affirm its existing legal and policy framework for spectrum licensing and usage rights, which:

- (i) has been in place for decades;
- (ii) formed the basis for the technical standards developed cooperatively by Lightsquared and the commercial GPS industry almost a decade ago; and
- (iii) has been relied upon by Lightsquared and its investors, customers, and others throughout the implementation of the Lightsquared network.

The FCC has repeatedly found that the United States needs to be at the forefront of the broadband revolution. The Commission's expedited grant of the Declaratory Ruling sought by Lightsquared will again reaffirm the FCC's commitment to adopting policies that support broadband initiatives and move us closer to meeting the goals and the objectives of the *National Broadband Plan*. No one can effectively argue that consumers do not benefit from the availability of competitive offerings. Unless the Commission takes action as requested by Lightsquared, it will willingly be deviating from the path it has so fervently championed and that which will effectively bring the benefits of competitive broadband offerings to consumers.

Accordingly, I strongly advocate that the Commission move to grant LightSquared's Petition for Declaratory Ruling in IP Docket No 11-209 and ET Docket No. 10-142 on an expedited basis.

Respectfully submitted,



Donald C. Davis
Chief Financial Officer