



**Borough of
Tinton Falls
New Jersey**

MICHAEL SKUDERA
MAYOR

556 TINTON AVENUE
TINTON FALLS, NJ 07724-3298
PHONE #: 732-542-3400 EXT. 211
FAX #: 732-542-2075
EMAIL: mayor@tintonfalls.com

March 28, 2012

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Reply comments on the Public Notice; IB Docket No. 11-109

Dear Chairman Genachowski:

I write in support of the economic opportunities and consumer benefits that arise out of a wholesale nationwide 4G-LTE network that is being proposed by LightSquared. I strongly believe this wholesale network has the potential to turn the wireless industry on its head through the facilitation of a new generation of high-speed mobile wireless services and products. By enabling any carrier, consumer electronics manufacturer, Internet content provider, or business that can commoditize a low-cost/high-quality wireless broadband to enter the wireless market, LightSquared's network will increase much-needed competition in a marketplace dominated by few options that are costly to taxpayers.

LightSquared is a private company that will efficiently allow our country and state meet nationwide broadband access policy goals in a way that government-driven efforts cannot. For starters, taxpayer dollars are not put at risk; yet there is tremendous public benefit to LightSquared's 4G-LTE network deployment.

Consumers and particularly public safety personnel across the country know too well the inconsistencies of connectivity in rural areas as well as in urban canyons when service is unavailable. The combination of LightSquared's technology and its provision of service in the L-Band tackles these inconsistencies by offering a unique blend of coverage, propagation and data throughput that current service providers cannot. Given that demand for mobile broadband data is projected to continue exploding 40-fold over the next four years, LightSquared's plan to provide service using contiguous capacity in the L-Band is more than a welcome relief.

LightSquared's plan to deploy a ground-based broadband wireless network will critically improve the communications capabilities of the company's long-time public safety customers. Currently, first responders are dependent on technology choices that do not engender interoperable, reliable, and emergency-tested communications. LightSquared's integrated satellite-terrestrial network will enable our critical public safety personnel to have reliable communications capacity in both urban and rural environments with 100% interoperable push-to-talk coverage.



Borough of
Tinton Falls
New Jersey

MICHAEL SKUDERA
MAYOR

556 TINTON AVENUE
TINTON FALLS, NJ 07724-3298
PHONE #: 732-542-3400 EXT. 211
FAX #: 732-542-2075
EMAIL: mayor@tintonfalls.com

Beyond directly benefiting the public via improvements in public safety communications, LightSquared's network will serve as an economic multiplier for regions across the country. As I am sure you are keenly aware of the economic conditions our nation faces, LightSquared will be injecting \$14 billion – already \$4 billion has already been spent in deploying the world's largest commercial communications satellite -- into a broad effort to upgrade our country's wireless infrastructure, generating over 15,000 each year. In addition to directly enabling many Americans to work, LightSquared's plan to provide best-in-class 4G-LTE service nationwide on a wholesale basis will spur innovation for technology companies, device manufacturers and niche carriers in New Jersey and across the country. The economic opportunities arising out of this wholesale wireless broadband service are essential to turning the corner for our state and frankly, our country.

The Federal Communications Commission's proposed suspension of LightSquared's licensed to deploy its 4G-LTE network is both unwarranted and unnecessary. Instead of suspending LightSquared's license, the FCC should instead clarify the rules on unlicensed use of GPS receivers in non-GPS allocated spectrum and establish a precedent that drives technological innovation in GPS receivers that will enable GPS users to be experience more reliable and interference-resilient services.

The fact of the matter is that GPS manufacturers have designed GPS devices to seek the GPS signal in adjacent LightSquared's spectrum. In IB Docket 11-109, neither the U.S. GPS Industry Council nor the Coalition to Save Our GPS have cited rulemakings or precedents that state that spectrum adjacent to GPS-allocated spectrum must only and always be used for satellite-based services. The FCC's decision in this regard is to abdicate its role to push spectrum usage to its most efficient uses in the interest of the public. Clearly, rendering 40-plus MHz of prime spectrum forever useless for wireless broadband purposes is not tenable given skyrocketing demand for such services.

While I understand the importance of GPS, the GPS industry's obstructionism and mulishness in even considering installing technology that will enable Americans to enjoy the benefits of LightSquared's network alongside a more robust and interference-resistant GPS services can only be described as the latest in a pattern of selfish profiteering that is not in the public's best interest. It should be noted that private GPS manufacturers such as Swiss-based Garmin and Trimble are profitable free-riders of an expensive government system. These commercial manufacturers are wholly dependent on the provision of GPS signals that cost American taxpayers many billions of dollars *each year*. Economic firms have estimated that taxpayers have subsidized GPS manufacturers with \$18 billion. This transfer payment of taxpayer dollars to private companies, the largest of which is not domiciled in America, is flatly unacceptable when public dollars are at such a premium. In addition to free-riding on American taxpayer dollars, the GPS industry profits from squatting on LightSquared's spectrum. In fact, the GPS industry's high-precision "wideband" segment is an increasingly profitable business that is dependent on seeking GPS signals in LightSquared's



**Borough of
Tinton Falls
New Jersey**

**MICHAEL SKUDERA
MAYOR**

556 TINTON AVENUE
TINTON FALLS, NJ 07724-3298
PHONE #: 732-542-3400 EXT. 211
FAX #: 732-542-2075
EMAIL: mayor@tintonfalls.com

band of spectrum. However, because the industry has failed to install components, some of which can be found off-the-shelf, GPS devices are at risk of losing functionality if LightSquared turns on its 4G-LTE network.

Coasian economics dictates that the two parties, in this case, LightSquared and GPS manufacturers, should negotiate to most efficiently resolve this issue. However, instead of negotiating to find an economically efficient outcome, GPS manufacturers have seemingly decided instead to purposely raise the transaction costs of this issue by waging an inflammatory and truly misleading public relations and lobbying campaign against LightSquared.

This is unacceptable; not only can the “interference issue” be technically solved with the development of filter technology that is available today, it can likely be done quickly at marginally low cost. At the end of the day, consumers lose because of the mulishness of the GPS industry and behind-the-scene efforts of any co-conspirators that wish to prevent the deployment of a company that will generate significant competition in the wireless telecommunications sector.

Ultimately, I believe the best public policy is one in which the FCC drives an equitable outcome that enables consumers to benefit from both GPS and 4G-LTE services that utilize LightSquared’s L-band spectrum. If this is not possible, I urge the FCC to consider alternative solutions, including perhaps a relocation to commercially equivalent spectrum that will enable LightSquared to move forward. I cannot overstate the importance of accessible and affordable mobile broadband service and how it is a key to making sure our country is economically competitive.

Thank you for your consideration on this matter.

Respectfully submitted,

Michael Skudera, Mayor
Borough of Tinton Falls