



April 25, 2012

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

Commissioner Robert M. McDowell
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Commissioner Mignon Clyburn
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Advanced Wireless Services in the 2 GHz Band, DA 12-603 (WT Docket No. 12-70; ET Docket No. 10-142; WT Docket No. 04-356)

Dear Chairman Genachowski and Commissioners:

In the Notice of Inquiry (the “*NOI*”) issued on March 21, 2012 in DA 12-603 (and accompanied by a Notice of Proposed Rulemaking, or “*NPRM*”), the Commission proposed a bold and innovative approach to spectrum management that would help increase broadband access for millions of Americans. On behalf of LightSquared Inc. and its affiliates (collectively, “LightSquared”), I am writing to urge the Commission to expand the scope of the *NOI* to include the mobile-satellite service (“*MSS*”) portions of the L Band (*i.e.*, 1525-1559 MHz and 1626.5-1660.5 MHz).¹ For reasons that are stated below, this expansion would pave the way for rapidly making the most efficient terrestrial mobile broadband use possible of *MSS* frequencies, and of frequencies that are adjacent to or impacted by those frequencies.

The Critical Public Interests at Stake

As the Commission correctly recognizes, the public interest goal of facilitating the deployment of mobile broadband is best served by (i) considering all of the spectrum bands potentially available in the near term; (ii) examining all potential solutions to maximize the use of the limited spectrum resource; and (iii) where appropriate, repurposing spectrum bands from

¹ LightSquared will file a copy of this letter in IB Docket No. 11-109, regarding the Conditional Waiver granted to LightSquared in January 2011. See *Public Notice: International Bureau Invites Comment on NTIA Letter Regarding LightSquared Condition Waiver*, IB Docket No. 11-109, DA 12-214 (Feb. 15, 2012).

their currently-designated uses to maximize deployment of competitive mobile broadband services, in a manner consistent with the *National Broadband Plan*.²

Indeed, making additional spectrum available is critical to the national interest. As the Commission has found, “the availability and quality of wireless broadband services will likely become constrained if additional spectrum does not become available to enable network expansion and technology upgrades.”³ Such constraints “could result in higher prices, poor service quality, an inability for the U.S. to compete effectively on an international basis, depressed demand and, ultimately, a drag on innovation”⁴ and undermine the ability of the United States to “lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.”⁵

To address this looming problem, the Commission’s *NOI* proposes to facilitate terrestrial use of MSS spectrum and permit MSS licensees to play an important role in expanding access to competitive wireless broadband service in the United States. The *NOI* accurately describes the important role that terrestrial use of MSS spectrum must play in expanding access to competitive wireless broadband service in the United States. This reflects the position taken by the Commission in the *National Broadband Plan*, which encourages the re-use of MSS spectrum to support terrestrial broadband services and recognizes that “the FCC can take action to accelerate terrestrial deployments in the MSS bands.”⁶

The *NOI* Proposal

The *NOI* proposes to achieve this objective through rule changes designed to remove unnecessary constraints on the ability of MSS operators to conduct terrestrial operations, while also ensuring that the operations of adjacent users are not disproportionately impacted. In the *NOI*, the Commission wisely recognizes that effective spectrum policy should be informed by a broad analysis of all relevant policy objectives and public interest considerations. The *NOI* also acknowledges that an effective spectrum policymaking process must explore constructive solutions that reconcile multiple policy objectives to maximize the amount of spectrum provided for next-generation wireless services.

LightSquared commends the Commission for taking a bold approach in the *NOI* that considers a broad range of possibilities to expand the use of MSS frequencies for terrestrial purposes. Importantly, in so doing, the Commission recognizes that terrestrial use of MSS spectrum need not be precluded simply due to alleged interference risks arising under the Commission’s *existing* band plan. Even though it appears that terrestrial use of existing 2 GHz MSS spectrum could interfere with adjacent terrestrial operations—which are licensed *and* in conformance with the U.S. Table of Frequency Allocations, and thus entitled to protection—the *NOI* contemplates the possibility of modifying existing 2 GHz MSS/ATC licenses to provide

² LightSquared intends to file more fulsome comments on May 17, 2012 in response to the substantive questions posed in the *NPRM* and *NOI*.

³ *NPRM* ¶ 77.

⁴ *Id.*

⁵ See CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN, at 9 (2010) (“*National Broadband Plan*”).

⁶ *Id.* at 88.

replacement spectrum in another band, and then licensing the vacated 2 GHz MSS spectrum to third parties for terrestrial broadband purposes.⁷ While the Commission acknowledges that the various alternatives under consideration in the *NOI* pose “greater complexities with respect to coordination among existing users and any new licensees,” those spectrum swaps and reallocations also have the potential to “release a greater quantity of usable spectrum into the marketplace, reduce the need for guard bands to protect against harmful interference, and extend the existing PCS and AWS bands,” all of which would greatly benefit the public.⁸

Expanding the *NOI* to Include the MSS Portions of the L Band

In addition to examining the future of the 2 GHz MSS Band (*i.e.*, 2000-2020 MHz and 2180-2200 MHz), the inquiry initiated by the *NOI* will take into account how changes to the band plan for the 2 GHz MSS Band could unlock the potential for other bands to be used for mobile broadband. LightSquared believes that by expanding this inquiry to consider the MSS portions of the L Band, the Commission can further ensure that it is maximizing the use of spectrum and can realize synergies in the policymaking process.

In the *NOI*, the Commission takes a more comprehensive approach than outlined in the NPRM and proposes revising the 2 GHz MSS spectrum plan to unlock additional spectrum. While the Commission may resolve interference concerns in L Band in any number of ways, the inclusive approach contemplated in the *NOI* is a promising one. As has been discussed in full in IB Docket No. 11-109, rearrangements of frequency blocks would address GPS issues while at the same time maximizing use of the L Band MSS spectrum for terrestrial purposes. Taking a broader-gauged approach in the *NOI* will make it easier to find solutions for all MSS spectrum as well as for adjacent bands.

In contrast, omitting the L Band from consideration in the *NOI* would yield less-than-optimal results by precluding “cross-band” solutions. It could needlessly delay the rapid deployment of competitive, nationwide, wholesale-based 4G LTE wireless services by entities such as LightSquared. That would send a disastrous signal to companies that intend to invest in the U.S. wireless industry. LightSquared, after all, is prepared to launch this service because it (i) maintained a functional MSS network for years, which has provided valuable commercial service in the U.S.; (ii) invested billions of dollars to implement its network which will extend competitive service to hundreds of millions of Americans; and (iii) expressed its intent to continue its MSS and terrestrial operations indefinitely. For that reason, the Commission should expand the *NOI* to include the MSS portions of the L Band to further ensure that potential obstacles to the deployment of LightSquared’s network are resolved as quickly as possible.

To be clear, LightSquared is not advocating a review of L Band MSS-ATC rules in this proceeding. Nor is it suggesting that the *NOI* proceeding be regarded as the only vehicle through which LightSquared’s network can be made a reality. Rather, LightSquared requests that the Commission fulfill its objective of considering *all* “potential ways to free up additional valuable

⁷ *NOI* ¶ 145.

⁸ *Id.* at ¶ 137.

Chairman Julius Genachowski and Commissioners

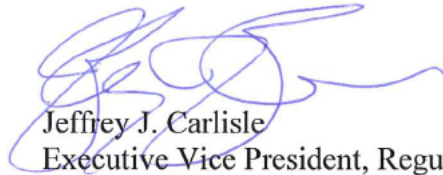
April 25, 2012

Page 4 of 4

spectrum to address the Nation's growing demand for mobile broadband spectrum,"⁹ and that it recognize the *NOI* as one means of resolving the issues associated with the L Band.

For these reasons, the Commission should expand the scope of the *NOI* to include a comprehensive analysis of alternative, spectrum-based solutions to the current concerns with respect to mobile broadband deployment in the L Band.

Respectfully submitted,



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⁹ *NPRM* ¶ 137.