



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

Report No. SPB-245

DA 12-1863
November 16, 2012

FEDERAL COMMUNICATIONS COMMISSION INVITES COMMENT ON LIGHTSQUARED REQUEST TO MODIFY ITS ATC AUTHORIZATION

IB Docket No. 12-340

Comments/Petitions to Deny Due: December 17, 2012

Oppositions Due: January 4, 2013

Replies Due: January 11, 2013

This Public Notice seeks comment on the request by LightSquared Subsidiary LLC (“LightSquared”) to modify the Ancillary Terrestrial Component (ATC) authorization associated with its Mobile Satellite Service (MSS) L-Band licenses. LightSquared states that its proposed modification is intended to address concerns raised by the GPS industry and others and to allow LightSquared to proceed with deployment of its proposed broadband network.¹

LightSquared has a license for MSS operations specifying the 1525-1544 MHz and 1545-1559 MHz downlink bands and the 1626.5-1645.5 MHz and 1646.5-1660.5 MHz uplink bands.² LightSquared also has a conditional authorization for ATC in the same frequency bands.³

In its modification application, LightSquared proposes “permanently relinquishing” its “right to deploy terrestrial downlink operations at 1545-1555 MHz and permanently relocating those terrestrial operations instead to 1670-1680 MHz.”⁴ LightSquared states that doing so will provide GPS receivers with an additional 10 MHz guardband from terrestrial services and will allow LightSquared to deploy its broadband network.⁵ LightSquared states that the 1670-1680 MHz band consists of “1670-1675 MHz, which

¹ Modification Application of LightSquared Subsidiary LLC, IBFS File Nos. SAT-MOD-20120928-00160, -00161, SES-MOD-20121001-00872 (filed Sept. 28, 2012 and Oct. 1, 2012 with identical narrative text) (“Narrative”).

² *SkyTerra Subsidiary LLC Application for Modification Authority for Ancillary Terrestrial Component, Order and Authorization*, 25 FCC Rcd. 3043, 3043 (Int’l Bur. 2010) (“Modification Order”).

³ See *International Bureau Invites Comment on NTIA Letter Regarding LightSquared Conditional Waiver*, IB Docket No. 11-109, DA 12-214, Public Notice (Feb. 15, 2012) (providing a brief history of LightSquared’s MSS and ATC authorizations).

⁴ Narrative at 11.

⁵ Narrative at 2.

LightSquared already has authority to use nationwide, and ... 1675-1680 MHz, which LightSquared proposes to share with certain existing government users.”⁶

LightSquared’s existing ATC authorization is for use of the 1526-1536 MHz downlink band. LightSquared contemporaneously filed a separate rulemaking petition to revise the rules for operations in this 10 MHz band.⁷ LightSquared states that it will voluntarily not deploy terrestrially in the 1526-1536 MHz band during the pendency of that rulemaking proceeding.⁸ LightSquared also indicates that it contemplates operating in the 1627.5-1637.5 MHz and 1646.7-1656.7 MHz uplink bands under the parameters of its current ATC authorization.⁹

LightSquared argues that the proposed modifications to its ATC authorization will facilitate deployment of its terrestrial network while providing “GPS receivers an additional 10 MHz guardband from terrestrial services.”¹⁰ LightSquared states that being able to deploy its mobile broadband network will provide substantial public interest benefits in the form of additional broadband capacity.¹¹

LightSquared’s request is submitted as part of the following applications (collectively, the “Applications”):

<u>File Number</u>	<u>Call Sign</u>
SAT-MOD-20120928-00160	AMSC-1
SAT-MOD-20120928-00161	S2358
SES-MOD-20121001-00872	E980179

PROCEDURAL MATTERS

This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all

⁶ Narrative at 3. LightSquared indicates that it plans to use its uplink bands, 1627.5-1637.5 MHz and 1646.7-1656.7 MHz, under the Commission’s existing authorization terms. *Id.* at 4. A Petition for Rulemaking regarding the 1675-1680 MHz allocation has been accepted for filing separately. *See Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemaking Filed*, Report No. 2967, Public Notice (Nov. 9, 2012).

⁷ Narrative at 2. *See Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemaking Filed*, Report No. 2968, Public Notice (Nov. 16, 2012).

⁸ Narrative at 2.

⁹ Narrative at 4.

¹⁰ Narrative at 2, 10.

¹¹ Narrative at 10.

¹² 47 C.F.R. §§ 1.1200 *et seq.* The Commission, or Bureau staff pursuant to delegated authority, may adopt modified *ex parte* procedures in particular proceedings “where the public interest so requires.” 47 C.F.R. § 1.1200(a). We find that designating this proceeding as permit-but-disclose will serve the public interest by allowing for broader participation and ensuring that the Commission benefits from a comprehensive record.

persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

The Applications have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective or not in conformance with the Commission's rules or policies. Final action on the Applications will not be taken earlier than thirty-one (31) days following the date of this Public Notice.¹³

Interested parties must file petitions to deny or comments no later than **December 17, 2012**. Responses or oppositions to comments and petitions must be filed no later than **January 4, 2013**. Replies to such pleadings must be filed no later than **January 11, 2013**. All filings concerning matters referenced in this Public Notice should refer to **DA 12-1863, IB Docket No. 12-340**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

To allow the Commission to consider fully all substantive issues regarding the Applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁴ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.¹⁵

Submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by mail.

- **Electronic Filers:**¹⁶ Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties also may submit an electronic comment by Internet e-mail.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing.

¹³ See 47 U.S.C. § 309(b).

¹⁴ See 47 C.F.R. § 1.45(c).

¹⁵ See *id.*

¹⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322 (1998).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to the Commission's duplicating contractor, Best Copy and Printing, Inc., at fcc@bcpiweb.com or (202) 488-5563 (facsimile).

Copies of the Applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at fcc@bcpiweb.com. The Applications also are available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

People with Disabilities: To request materials in accessible formats (computer diskette, large print, audio recording, and Braille) send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact:

International Bureau: Gardner Foster, at Gardner.Foster@fcc.gov or (202) 418-1990;

Office of Engineering and Technology: Ronald T. Repasi, at Ronald.Repasi@fcc.gov or (202) 418-0768;

Office of General Counsel: Steven Spaeth, at Steven.Spaeth@fcc.gov or (202) 418-1539;

Wireless Telecommunications Bureau: Paul Murray, at Paul.Murray@fcc.gov or (202) 418-0688.

Action by the Chiefs, International Bureau, Office of Engineering and Technology, and Wireless Telecommunications Bureau.

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