

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Federal Communications Commission)	
Invites Comment on LightSquared Request)	IB Docket No. 12-296
For Relief from Build-Out Conditions)	
)	
International Bureau Invites Comment on)	IB Docket No. 11-109
NTIA Letter Regarding LightSquared)	
Conditional Waiver)	
)	
LightSquared Subsidiary LLC)	File No. SAT-MOD-20101118-00239
Request for Modification of its Authority)	
For an Ancillary Terrestrial Component)	
)	
Fixed and Mobile Services in the Mobile)	
Satellite Service Bands at 1525-1559 MHz)	
And 1626.5-1660.5 MHz, 1610-1626.5)	ET Docket No. 10-142
MHz and 2483.5-2500 MHz, and)	
2000-2020 MHz and 2180-2200 MHz)	
)	
SkyTerra Communications, Inc., Transferor)	
And Harbinger Capital Partners Funds,)	
Transferee, Applications for Consent to)	IB Docket No. 08-184
Transfer of Control of SkyTerra Subsidiary,)	
LLC)	

REPLY OF GARMIN INTERNATIONAL, INC.

Garmin International, Inc. (“Garmin”), hereby submits its reply to the comments submitted by LightSquared Inc. (“LightSquared”) on November 19, 2012 in the above-captioned proceeding.¹ Garmin joined in the initial comments filed in this docket by the Coalition to Save Our GPS (the ‘Coalition’), which contended that the Commission should not address LightSquared’s request for extension of its network build-out milestone requirements in isolation

¹ See Federal Communications Commission Invites Comment on LightSquared Request for Relief from Build-Out Conditions, *Public Notice*, IB Docket No. 12-296, DA 12-1604 (rel. Oct. 10, 2012); Reply Comments of LightSquared, IB Docket Nos. 12-296, *et al.*, filed Nov. 19, 2012 (“LightSquared Reply Comments”).

without taking action on the questions raised in the *February 2012 Public Notice*.² In response to this argument, LightSquared now claims that the Commission should ignore the substantial analysis and testing conducted by private parties and government agencies, which led to issuance of the *February 2012 Public Notice*, and abandon the questions that *Notice* raises because LightSquared has proposed another potential solution to “resolve the GPS compatibility questions underlying the public notice.”³ LightSquared fails to show why its new proposal should preclude Commission action on the *February 2012 Public Notice*, and the Commission should resolve the issues raised in that *Notice*.

Regardless of the merits of LightSquared’s new proposal, the extensive evidence produced in the reports from several federal departments and agencies, including the National Telecommunications and Information Administration (“NTIA”); National Space-Based Positioning, Navigation, and Timing Systems Engineering Forum (“NPEF”); and Federal Aviation Administration (“FAA”) demonstrated serious concerns about whether several variations of LightSquared’s proposed ATC service can coexist with GPS.⁴ The proposition that

² See Comments of the Coalition to Save Our GPS, IB Docket Nos. 12-296, *et al.*, filed Nov. 9, 2012, at 3-5 (“Coalition Comments”); *see also* International Bureau Invites Comments on NTIA Letter Regarding LightSquared Conditional Waiver, *Public Notice*, IB Docket No. 11-109, DA 12-214 (rel. Feb. 15, 2012) (“*February 2012 Public Notice*”).

³ LightSquared Reply Comments at 3.

⁴ These findings were presented to the Commission in a number of filings, including Letter from Lawrence E. Strickling, Assistant Secretary for Communications and Information, U.S. Department of Commerce, to Julius Genachowski, Chairman, Federal Communications Commission (Feb. 14, 2012) (summarizing the results of testing conducted by NTIA, NPEF, and the FAA regarding LightSquared’s modified “lower 10 MHz” proposal and attaching the following reports: NPEF, *Follow-on Assessment of LightSquared Ancillary Terrestrial Component Effects on GPS Receivers* (Jan. 6, 2012); U.S. Department of Transportation, FAA, *Status Report: Assessment of Compatibility of Planned LightSquared Ancillary Terrestrial Component Transmissions in the 1526-1536 MHz Band with Certified Aviation GPS Receivers* (Jan. 25, 2012); *November 2011 Cellular Device Test Report* (with January 26, 2012 Addendum)). *See also* Letter from Lawrence E. Strickling, Assistant Secretary for Communications and Information, U.S. Department of Commerce, to Julius Genachowski,

the Commission should ignore these important findings and conclusions and leave the issues that they raise about LightSquared's authority unresolved makes no sense, particularly since LightSquared's latest proposal would include eventual operation on the lower 10 MHz of its authorized L-Band frequencies, which the testing showed raised significant compatibility concerns, including, among other things, a likely risk to aviation safety. The proper response to this substantial evidence is to complete the evaluation of LightSquared's ATC authority commenced by the *February 2012 Public Notice*. As the Coalition noted in its initial comments, any consideration of LightSquared's build-out requirements could be accomplished as part of that proceeding.

The current status of LightSquared's service authorizations continues to cause uncertainty for both LightSquared and the GPS community.⁵ Granting LightSquared's milestone request without resolving the underlying issues presented by the *February 2012 Public Notice* will only multiply that uncertainty. Garmin, therefore, reiterates that the Commission not act on the

Chairman, Federal Communications Commission (July 6, 2011) (transmitting earlier NPEF report).

⁵ Coalition Comments at 4.

milestone request piecemeal without resolving the issues raised in the *February 2012 Public Notice*.

Respectfully submitted,

By _____ /s/ _____

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