

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)	
)	
LightSquared Subsidiary LLC)	IB Docket No. 12-340
)	SAT-MOD-20120928-00160
Applications for Modification of Ancillary)	SAT-MOD-20120928-00161
Terrestrial Authority Associated With Its)	SES-MOD-20121001-00872
Mobile-Satellite Service L-Band Licenses)	
To: Chief, Satellite Division		
International Bureau		

COMMENTS OF THE U.S. GPS INDUSTRY COUNCIL

The U.S. GPS Industry Council (the “Council”), by its counsel and pursuant to Section 25.154 of the Commission’s Rules (47 C.F.R. § 25.154), hereby comments upon the above-captioned space-station and earth-station license modification applications filed by LightSquared Subsidiary LLC (“LightSquared”).¹ These applications are part of what LightSquared describes as a “comprehensive approach . . . for addressing issues that have precluded even the initial deployment of its mobile broadband network.”² In the Modification Application, LightSquared “specifically proposes to vacate the 10 MHz of its terrestrially-licensed spectrum closest to [the adjacent Global Positioning System (“GPS”) L1 frequency band

¹ See Public Notice, Report No. SPB-245, DA 12-1863 (released November 16, 2012) (inviting comments and petitions to deny the modification applications).

² See, e.g., Application of LightSquared Subsidiary LLC, File No. SAT-MOD-20120928-00160, Narrative Exhibit at 2 (filed September 28, 2012) (“LightSquared Modification Application”). In addition to the modification applications, LightSquared has filed two new petitions for rulemaking to secure terrestrial mobile service allocations in the 1675-1680 MHz and 1526-1536 MHz bands for base-station transmissions in a high-powered mobile broadband service that would be paired with an existing mobile allocation at 1670-1675 MHz for base-station use and two 10 megahertz channels in the 1626.5-1660.5 MHz mobile-satellite service (“MSS”)/ATC uplink band for mobile-device use. See LightSquared Petitions for Rulemaking in RM-11681 and RM-11683. LightSquared has also separately requested that the Commission confirm the mooting of implementation milestones that are applicable to LightSquared’s MSS/ATC system. See LightSquared Modification Application, Narrative Exhibit at 1n1.

at 1559-1610 MHz], which will provide GPS receivers a permanent guardband from terrestrial services, and to gain access to 5 MHz of alternate spectrum, so that it can begin to build a mobile broadband network”³

To the extent that LightSquared seeks to relinquish all of its ATC authority to operate terrestrial base stations in the 1545-1555 MHz band – or for that matter, in any portion of the 1525-1559 MHz band – the Council has no objection. The prospect of terrestrial mobile broadband service being provided compatibly with GPS in the 1525-1559 MHz band has been intensively studied within the government and industry over the last two years. After considering the results of several extensive technical examinations and analyses by both private and government stakeholders, the Commission concluded earlier this year that “it is highly unlikely that LightSquared will, in any reasonable period of time, be able to satisfy the requirements of the Conditional Waiver Order” to demonstrate that it has resolved concerns of potentially widespread harmful interference to GPS.⁴ The Commission therefore proposed to vacate LightSquared’s ATC authorization in the 1525-1559 MHz band.⁵ Although not

³ *Id.* at 4. The “alternate spectrum” to which LightSquared seeks access is in the 1675-1680 MHz band. LightSquared seeks to have this band allocated to the terrestrial mobile service for broadband use in its petition for rulemaking in RM-11681. The Council provided comments on this proposal in its December 10, 2012 comments in RM-11681. *See* Comments of the U.S. GPS Industry Council on LightSquared Petition for Rulemaking in RM-11681 (filed December 10, 2012) (“Council Comments in RM-11681”).

⁴ FCC Public Notice, “International Bureau Invites Comment on NTIA Letter Regarding LightSquared Conditional Waiver,” DA 12-214, IB Docket No. 11-109, released February 15, 2012 (“February 2012 Public Notice”), at 4.

⁵ In the still-pending proceeding that began with the February 2012 Public Notice, the FCC’s International Bureau (the “Bureau”) has proposed two actions based on a February 14, 2012 NTIA letter, in which NTIA concluded that “LightSquared’s proposed mobile broadband network will impact GPS services and there is currently no practical way to mitigate the potential harmful interference from LightSquared’s planned terrestrial operations in the 1525-1559 MHz band.” *See* Letter from Lawrence E. Strickling, Assistant Secretary for Communications and Information, U.S. Dept. of Commerce, to Julius Genachowski, Chairman, FCC (dated Feb. 14, 2012) (“NTIA Letter”). First, the Bureau proposed to vacate the portion of its January 26, 2011 Conditional Waiver Order that provisionally allowed LightSquared to initiate L-band terrestrial mobile broadband service at 1525-1559 MHz, provided that it

completely consistent with the Commission's proposed February 2012 Public Notice, this aspect of the LightSquared Modification Application is not in contradiction with anything in the outstanding proposal, and would be without prejudice to confirmation of that proposal.

To the extent that LightSquared seeks to have the Commission, in modifications to its MSS/ATC license and associated earth station authorizations, provide LightSquared with "access to 5 MHz of alternate spectrum" at 1675-1680 MHz for its mobile broadband network, the Council has two comments: First, as to the prospects of the use of the 1675-1680 MHz band for mobile broadband, the Council refers the Commission to its December 10, 2012 comments in RM-11681.⁶ There may be a basis for the Commission eventually to proceed with consideration of such an allocation, but only if such action can be independently justified.

Second, the Council is compelled to observe that what LightSquared seeks – a new mobile service authorization for the 1675-1680 MHz band – is not something that the Commission can grant in the context of a determination on an application to modify an MSS/ATC license and associated earth station authorizations. LightSquared does not seek to provide ATC in any band addressed by the Part 25 ATC rules; in fact it does not seek to provide ATC at all. It seeks instead to provide straight terrestrial mobile service of a type the

was first able to demonstrate that no harmful interference would be caused to GPS receivers operating in the neighboring band at 1559-1610 MHz. Second, the Bureau proposed to modify LightSquared's license to suspend indefinitely LightSquared's underlying Mobile-Satellite Service ("MSS") Ancillary Terrestrial Component ("ATC") authorization "to an extent consistent with the NTIA Letter." February 2012 Public Notice, at 4.

⁶ There, the Council stated that it does not object as a general matter to an inquiry assessing the feasibility of introducing "a terrestrial mobile allocation in the 1675-1680 MHz band; however, the ultimate case for such an allocation must be carefully evaluated and not influenced by the aims LightSquared is seeking to realize in this and the myriad other related proceedings it has initiated." Council Comments on RM-11681, at 3. The Council also noted that "[a]mong the issues that would need to be addressed in considering a new co-primary terrestrial mobile allocation in the 1675-1680 MHz band are the potential for increased out-of-band emissions ('OOBE') from more widely-deployed terrestrial transmitters and the potential for larger numbers of such transmitters to 'overload' receivers in adjacent bands." *Id.* at 4.

Commission typically authorizes under Part 27 of its rules for particular frequency bands. LightSquared's Modification Application contains no explanation of how the Commission can modify space- and earth-station authorizations to include non-ATC terrestrial mobile authority in a band not subject to Part 25 actions.⁷

Conclusion

In summary, the Council does not oppose LightSquared's request to surrender its ATC authority for the portion of the 1525-1559 MHz band above 1536 MHz. Any such relinquishment, however, is without prejudice to confirmation of the Commission's pending determination under the February 2012 Public Notice that terrestrial mobile service is not feasible anywhere in the 1525-1559 MHz band.

With respect to LightSquared's proposal to operate a terrestrial mobile broadband service at 1675-1680 MHz, the Council's views on the feasibility of such a mobile service allocation are expressed in its Comments in RM-11681. The Commission will also need to determine whether

⁷ LightSquared does not specifically request a waiver of any of the Commission's rules. All it does is indicate at the end of its discussion that conditions imposed to protect existing federal spectrum users in the 1675-1680 MHz band may at some future point require "appropriate adjustments and further authorizations with regard to the Commission's rules as may be needed to facilitate the prompt processing and grant of this Application." LightSquared Modification Application, Narrative Exhibit at 14. While perhaps impermissibly open ended, even this request does not cure the deficiency identified here.

it is possible to use a modification of MSS/ATC system authorization as a vehicle for considering LightSquared's request for a non-ancillary terrestrial license in a band not even mentioned in Part 25 of the Commission's rules.

Respectfully submitted,

U.S. GPS INDUSTRY COUNCIL

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CERTIFICATE OF SERVICE

I, Deborah Morris, hereby certify that on this 17th day of December, 2012, a copy of the foregoing Comments of the U.S. GPS Industry Council was provided by first-class U.S. Mail, postage prepaid, to the following:

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