

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)		
)		
Iridium Constellation LLC Petition for)	RM-_____	FILED/ACCEPTED
Rulemaking to Promote Expanded Mobile)		
Satellite Service in the Big LEO MSS Band)		FEB 28 2013
)		
In the Matter of)		Federal Communications Commission
)	RM-11685	Office of the Secretary
Globalstar, Inc. Petition for Rulemaking to)		
Reform the Commission's Regulatory)		
Framework for Terrestrial Use of the Big LEO)		
MSS Band)		
)		

REPLY OF IRIDIUM CONSTELLATION LLC

Iridium Constellation LLC ("Iridium") hereby responds to the Opposition of Globalstar, Inc. ("Globalstar")¹ to Iridium's Motion to Consolidate the above-captioned Petitions for Rulemaking.² As discussed below, Globalstar and Iridium have pending petitions that set forth conflicting visions for the future of the 1610-1626.5 MHz/2483.5-2500 MHz ("Big LEO") band. Iridium seeks to preserve and promote the future of Big LEO mobile satellite services ("MSS") by ensuring spectrum dedicated for MSS uses. Globalstar, in contrast, wants fundamental rule changes that would eliminate the basic obligation to provide any substantial satellite service, and Globalstar actually proposes to give terrestrial services priority over Big LEO MSS. Contrary to Globalstar's Opposition, these changes are intertwined with its Terrestrial Low Power Service ("TLPS") and cannot be cabined off as irrelevant to either its near term or long term proposals

¹ See Opposition of Globalstar, Inc. to Motion to Consolidate, RM-_____, RM-11685 (filed Feb. 21, 2013) ("Globalstar Opposition").

² See Motion to Consolidate of Iridium Constellation LLC, RM-_____, RM-11685 (filed Feb. 11, 2013) ("Iridium Motion").

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for the Big LEO band. Accordingly, the Commission should grant Iridium's Motion to Consolidate both petitions into a single integrated proceeding.

I. IRIDIUM AND GLOBALSTAR HAVE PROPOSED CONFLICTING VISIONS FOR THE FUTURE OF BIG LEO MSS THAT REQUIRE CONSOLIDATED CONSIDERATION.

Globalstar's Opposition failed to address the essential point of Iridium's Motion, namely, that Iridium's and Globalstar's Petitions offer competing visions for the future of the Big LEO band that should be dealt with holistically to best serve the public interest. Globalstar's petition seeks to alter the fundamental character of the Big LEO band, currently one of the last bastions of MSS, by giving terrestrial services priority throughout the band and treating MSS as an afterthought at best. Iridium, on the other hand, has offered a contrary vision emphasizing the preservation of the Big LEO band for vital satellite services and modest band plan reforms to facilitate continued MSS growth and innovation.³ Given these conflicting views, to the extent any aspect of the Globalstar petition is deemed worthy of further exploration, the Commission should consolidate both petitions into a single proceeding addressing the future of the Big LEO MSS band.

Rather than rebutting the premise of Iridium's Motion to Consolidate, Globalstar's Opposition instead reiterated (or, in some cases, recast) the purported public interest benefits of its own proposal and leveled attacks at the substance and motivations of Iridium's Petition for Rulemaking. Contrary to Globalstar's implications, the proposals in its Petition for Rulemaking are not confined to the 2.4 GHz portion of the Big LEO band. Globalstar's Petition proposes to remove the ATC rules from the entire Big LEO MSS band, including both the 1.6 GHz and 2.4 GHz segments. The essence of Globalstar's proposal is to eliminate key protections for satellite

³ Separately, Iridium has opposed Globalstar's Petition for Rulemaking. *See* Opposition of Iridium Constellation LLC, RM-11685 (filed Jan. 14, 2013).

services and introduce full flexibility for terrestrial use on a primary basis, thereby converting the Big LEO MSS band from an extremely successful mobile satellite band in the United States, to a terrestrial-first band with MSS as a marginalized afterthought. This fundamental shift in the character of the Big LEO band is made clear by Globalstar's request to be relieved from any obligation to provide a substantial satellite service, and its public admission that its terrestrial operations will create "exclusion zones" for MSS.⁴

In contrast to Globalstar's wholesale alteration of the Big LEO band, Iridium's petition proposes a modest reassignment of 2.725 megahertz of 1.6 GHz Big LEO band spectrum that will help ensure the continued innovation and expansion of vital mobile satellite services in the band.⁵ As explained in Iridium's Petition for Rulemaking, this reassignment of less than three megahertz of spectrum that has been underutilized by Globalstar will assist Iridium in meeting the continued growth in demand for its MSS operations, and will facilitate further innovation in the critical services offered to Iridium's first responder, U.S. military, U.S. government, consumer, and business customers.⁶ Iridium can make immediate use of the additional spectrum in its current constellation and will be able to exploit this spectrum fully in its next generation satellite system.

⁴ See L. Barbee Ponder, General Counsel & Vice President Regulatory Affairs, Globalstar Inc. & John A. Dooley, Managing Director, Jarvinian Wireless Innovation Fund, Fierce Live! Webinar: Globalstar's New "Wi-Fi" Super Highway (Jan. 22, 2013).

⁵ Iridium notes that, according to Globalstar, Iridium's request for access to less than three megahertz of additional spectrum is a "brazen spectrum grab" in which Iridium is trying to "abscond" with Globalstar's spectrum, Globalstar Opposition at 1, 3, however, when Globalstar seeks to occupy nearly eleven megahertz of ISM it is a "unique, hybrid spectrum approach." See Petition for Rulemaking of Globalstar, Inc. at 4, RM-11685 (filed Nov. 13, 2012).

⁶ See Petition for Rulemaking of Iridium Constellation LLC at 7-16, RM-_____ (filed Feb. 11, 2013).

II. CONSISTENT WITH PAST PRECEDENT, THE PUBLIC INTEREST, AND ADMINISTRATIVE EFFICIENCY, THE PETITIONS SHOULD BE CONSOLIDATED FOR INTEGRATED CONSIDERATION.

As Iridium explained in its Motion, consolidating the Iridium and Globalstar petitions would be consistent with past precedent, serve the public interest, and promote efficiency. Consolidation is a voluntary mechanism that the Commission will employ when petitions they “address similar issues and affect the same parties.”⁷ The Commission has suggested that where petitions rise out of the same factual circumstances or deal with similar issues, consolidation is “administratively more convenient and in the public interest.”⁸

Contrary to Globalstar’s assertion that the Commission’s consolidation precedents involve petitions “more closely related” than Iridium’s and Globalstar’s,⁹ these petitions fit squarely within these precedents. The Iridium and Globalstar petitions arise from exactly the same factual background and raise highly interrelated issues. Iridium and Globalstar are the only two MSS operators in the Big LEO band, and the development of their operations have been shaped in part by their sharing of the Big LEO band. At bottom, the Iridium and Globalstar petitions address the same question: what should the future of the Big LEO band look like? As discussed above, the two petitions have different answers to this question; but to assert that two petitions dealing with the same questions as they relate to the same band are not “closely related,” simply is untenable.

⁷ Teleprompter Corporation (Santa Cruz County, California), 91 FCC 2d 146, 148 (1982).

⁸ Nextel License Holdings 4, Inc., 17 FCC Rcd 7028, ¶ 9 (2002); *see also* Shareholders of Tribune Company and Sam Zell et al., 22 FCC Rcd 21266, ¶ 2 (2007); *see also* Mercury PCS II, LLC, 15 FCC Rcd 9654, ¶ 12 (2000) (consolidation proper where applications “raise issues arising out of the same facts”); Petition of Bell Atlantic for Relief from Barriers to Deployment of Advanced Telecommunications Services, 13 FCC Rcd 5179, ¶ 3 (1998) (“*Bell Atlantic*”) (consolidation proper where petitions “raise certain similar issues”).

⁹ *See* Globalstar Opposition at 5-6 n.13.

Combined consideration would also serve the policy goals of consolidation to promote efficiency and administrative convenience. Important issues must be resolved consistently to ensure that the future interaction of satellite and terrestrial services in the band best serves the public interest.¹⁰ If the Commission proceeds on separate tracks, the interested parties will participate in both proceedings and will represent the same views. Commission precedent is clear that rather than having unnecessarily duplicative filings in two dockets proceeding roughly in parallel, consolidation would enable a more efficient use of resources on behalf of the Commission and the parties, and it would facilitate a fuller, more orderly discussion.¹¹

Addressing the two petitions in a single rulemaking also would be consistent with Big LEO band precedent. As Globalstar acknowledges, the Commission historically has addressed spectrum-related issues affecting the Big LEO band through rulemaking proceedings.¹² When Globalstar sought to have its spectrum issues addressed through a separate proceeding, the Commission rejected this move, explaining that a rulemaking is the appropriate vehicle because band plan changes are of general applicability to all Big LEO MSS licensees.¹³ Similarly here, the changes sought by Globalstar would have a pervasive effect on the Big LEO band. For

¹⁰ For example, in its Opposition, Globalstar claims that its 2.4 GHz terrestrial solution will deliver substantial public interest benefits by providing service to consumers during disasters. Globalstar Opposition at 7. However, one of the only alleged material public interest benefits offered by Globalstar in its original Petition was its commitment to offer free MSS during disasters. Globalstar Petition at 6. How Globalstar can reconcile continuing to offer its exclusion zone-creating commercial terrestrial service with simultaneously offering free MSS is an unanswered question that further underscores the need to consider holistically the future of MSS operations in the Big LEO band.

¹¹ Cf. *Bell Atlantic* at ¶ 3 (where petitions raise similar issues “commenters should be allowed to file the same comments and reply comments regarding each”).

¹² See Globalstar Opposition at 2 (citing Spectrum and Service Rules for Ancillary Terrestrial Components in the 1.6/2.4 GHz Big LEO Bands; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.34 GHz Bands, *Second Order on Reconsideration, Second Report and Order, and Notice of Proposed Rulemaking*, 22 FCC Rcd 19733 (2007) (“*2007 Big LEO Spectrum Sharing Second Reconsideration Order*”).

¹³ *2007 Big LEO Spectrum Sharing Second Reconsideration Order* ¶ 23.

example, though Globalstar suggests that it will focus first on deploying its 2.4 GHz solution, its proposal to remove the ATC protections would apply to the entire Big LEO band. To ensure a result that best serves the public interest, the Commission should conduct a single proceeding that will permit consideration of all relevant issues.

III. CONCLUSION

As discussed above, Globalstar's Opposition failed to offer more than a cursory rebuttal to Iridium's Motion to Consolidate. Iridium and Globalstar offer in their petitions very different visions for the future of the Big LEO band. In one, the band has been converted to an unproven, one-off terrestrial spectrum play while also removing important protections for satellite services. In the other, the band is preserved for mobile satellite operations, and those operations are given additional resources and certainty to help facilitate their continued growth and innovation. To ensure that the Commission reconciles these visions effectively and finds the best path forward for the public, it should consolidate consideration of the petitions into a single rulemaking.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Pamela Conley, do hereby certify that on this 28th day of February, 2013, I caused copies of the foregoing "Reply of Iridium Constellation LLC" to be delivered to the following via First Class U.S. mail:

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