

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

In the Matter of)	
)	
Comments Sought on LightSquared Subsidiary LLC <i>Ex Parte</i> Filing)	DA 13-1717
)	
Federal Communications Commission Invites Comment on LightSquared Request to Modify its ATC Authorization)	IB Docket No. 12-340
)	
International Bureau Invites Comment on NTIA Letter Regarding LightSquared Conditional Waiver)	IB Docket No. 11-109
)	
LightSquared Subsidiary LLC Request for Modification of its Ancillary Terrestrial Component Authority)	File No. SAT-MOD-20120928-00160 File No. SAT-MOD-20120928-00161 File No. SAT-MOD-20101118-00239 File No. SES-MOD-20121001-00872
)	
LightSquared Subsidiary, LLC Petition for Rulemaking to Allocate the 1675-1680 MHz Band for Terrestrial Mobile Use)	RM-11681
)	
Wireless Telecommunications Bureau Seeks Comment on Request by OP LLC for Extension or Waiver of the Construction Deadline Concerning its 1670-1675 MHz Band License)	WT Docket No. 12-327

REPLY COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”) submits these reply comments on LightSquared Subsidiary LLC’s (“LightSquared”) recent *ex parte* filing addressing potential operations of terrestrial wireless handsets in the 1626.5-1660.5 MHz MMS uplink portion of the L-band.¹ CCA limits its reply comments in this proceeding to encouraging the Commission to act quickly to determine the fate of LightSquared’s spectrum holdings (in particular the 1626.5-

¹ *Comments Sought on LightSquared Subsidiary LLC Ex Parte Filing*, IB Docket No. 12-340, *et al.*, Public Notice, DA 13-1717 at 1 (rel. Aug. 7, 2013).

1660.5 MHz band). CCA is the nation's leading association of competitive wireless carriers. CCA's membership comprises over 100 competitive carriers ranging from small, rural providers serving fewer than 5,000 customers to regional and national providers serving many millions of customers. CCA also represents over 200 Associate Members, consisting of small businesses, vendors, and suppliers that serve carriers of all sizes.

CCA has long supported the Commission's efforts to enhance competition in the wireless industry and facilitate the introduction of new wireless service providers. CCA also has supported the *National Broadband Plan's* ("NBP") goal of identifying and dedicating an additional 500 MHz of spectrum for mobile broadband use within ten years.² The NBP specifically directs the FCC to "take action to accelerate terrestrial deployments in the MSS bands" and to "work closely with L-Band licensees and foreign governments to accelerate efforts to rationalize ATC-authorized L-Band spectrum."³ [Unfortunately, these goals have proved to be elusive. Meanwhile, the two largest wireless carriers continue to aggregate scarce spectrum resources, limiting access for competitive carriers.⁴

Given continued consolidation within the wireless industry and CCA's members' needs for usable spectrum, it is imperative that the Commission act promptly to ready LightSquared's

² Connecting America: The National Broadband Plan, at 84.

³ *Id.* at 88.

⁴ *See, e.g., AT&T Inc., Cellco P'ship d/b/a Verizon Wireless, Grain Spectrum, LLC, and Grain Spectrum II, LLC seek FCC Consent to the Assignment of Advanced Wireless Services and Lower 700 MHz Band B Block Licenses and to Long-Term De Facto Transfer Spectrum Leasing Arrangements Involving Advanced Wireless Services and Lower 700 MHz Band B Block Licenses*, Public Notice, 28 FCC Rcd 2176 (WTB Mar. 5, 2013); *AT&T Inc., Leap Wireless Int'l, Inc., Cricket License Co., LLC and Leap Licensco, Inc. seek Consent to the Transfer of Control of AWS-1 Licenses, PCS Licenses, and Common Carrier Fixed Point to Point Microwave Licenses, and Int'l 214 Authorizations, and the Assignment of One 700 MHz License*, Public Notice, WT Docket No. 13-193, DA 13-1831 (Aug. 28, 2013).

spectrum assets for mobile wireless use. CCA once again makes this plea in light of the well-documented challenges competitive carriers have faced and continue to face in deploying their own 4G networks.⁵ As LightSquared has noted, “Commission approval of LightSquared’s [a]pplication will permit a substantial portion of the L-Band spectrum to be put to use for American consumers faster than any other alternative, moving the Commission that much closer to meeting its policy goals.”⁶

The GPS Innovation Alliance (“GPSIA”), acknowledging the “scarc[ity]” of spectrum as a resource, claims that it “has no desire to unnecessarily impede the further deployment of spectrum for wireless broadband.”⁷ But despite this claim, GPSIA urges the Commission to launch into a “broad[, long term . . . process” to resolve LightSquared’s application.⁸ The unique procedural nature of LightSquared’s requests makes such an endeavor unnecessary.⁹ As LightSquared points out, “after 13 years of proceedings analyzing the L-band, there is more than sufficient analysis, information and comment on the record needed to act on the [a]pplication.”¹⁰

⁵ See Comments of Competitive Carriers Association, *Inquiry Concerning the Deployment of Advanced Telecommunications Capacity to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as amended by the Broadband Data Improvement Act*, GN Docket No. 12-228, at 11-15 (filed Sept. 20, 2012).

⁶ Letter from James H. Barker, Latham & Watkins LLP, outside counsel to LightSquared Subsidiary LLC to Marlene H. Dortch, Secretary, FCC, IB Docket No. 11-109, *et al.* at 1 (filed Sept. 16, 2013) (“LightSquared *Ex Parte*”).

⁷ Comments of The GPS Innovation Alliance at 5.

⁸ *Id.*

⁹ See, e.g., Comments of Thomas M. Lenard, Ph.D., President and Senior Fellow, Technology Policy Institute at 1-2 (“The record is already voluminous and it is unlikely that an additional comment period will yield information of any significance that the Commission doesn’t already know.”) (“TPI Comments”).

¹⁰ LightSquared *Ex Parte* at 1. Indeed, it has been suggested in LightSquared’s bankruptcy proceeding that GPSIA’s request for rulemaking may find its genesis in more sinister motives (*i.e.*, retribution for claims filed by Harbinger Capital Group against certain

As Dr. Lenard of Technology Policy Institute notes, “today, hundreds of thousands of LightSquared and Inmarsat devices use the L-band uplinks without causing any reported interference to GPS, and these devices operate at hundreds of times more power than terrestrial handsets.”¹¹ Under these circumstances it is difficult to find justification for an additional, long-term notice and comment rulemaking proceeding.

The record reflects that deployment of LightSquared’s proposed wireless broadband network would produce an estimated \$12 billion in value to the economy and potentially 10 times that amount (\$120 billion) in benefits to consumers.¹² In light of the significant economic impact this deployment would have on America’s economy, the enormous benefits to competitive carriers and consumers, and the protracted consideration that has occurred to date on LightSquared’s proposals, the Commission should act with all deliberate speed to determine the validity of LightSquared’s technical analysis or any other actions necessary to open up the opportunities presented by LightSquared’s spectrum assets.

members of the GPS industry, claiming fraud, securities law violations, misrepresentation and deceptive acts and practices). *See* Objection of the Independent Ad Hoc Secured Group of LightSquared LP Lenders to LightSquared’s Motion for Entry of Order (A) Establishing Bid Procedures, (B) Scheduling Date and Time for Auction, (C) Approving Assumption and Assignment Procedures, (D) Approving Form of Notice, and (E) Granting Related Relief at ¶¶ 28-29, *In re LightSquared Inc., et al.*, Case No. 12-12080 (SCC) (Bankr. S.D.N.Y. Sept. 17, 2013).

¹¹ TPI Comments at 1. Dr. Lenard goes on to note that other satellite services use uplink spectrum closer to the GPS band than LightSquared. *Id.*

¹² *Id.*

Respectfully submitted,

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