

March 31, 2014

*via electronic filing*

Marlene H. Dortch  
Secretary, Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation  
IB Docket No. 13-213, RM-11685  
Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile  
Broadband Networks; Amendments to Rules for the Ancillary Terrestrial  
Component of Mobile Satellite Service Systems**

Dear Ms. Dortch,

On Thursday, March 27, 2014, Stephanie Minnock, Tyler Cox, and Blake Reid of the Samuelson-Glushko Technology Law & Policy Clinic (“TLPC”) at Colorado Law met with Jose Albuquerque, Lynne Montgomery, and Robert Nelson of the International Bureau; Patrick Forster, Rashmi Doshi, and Ronald Repasi of the Office of Engineering and Technology; and Thomas Derenge and Brian Regan of the Wireless Telecommunications Bureau.

The TLPC proposed a framework through which the Commission could evaluate Globalstar’s proposed Terrestrial Low Power Service (“TLPS”) at 2.4 GHz. We urged the Commission to evaluate Globalstar’s proposal by considering:

- The static, dynamic, allocative, spectral, and economic efficiencies involved in allowing Globalstar to use both its licensed band and a portion of the adjacent unlicensed band to create a TLPS;
- The transaction costs involved in providing a terrestrial service within a licensed mobile satellite band;
- The opportunity for managing interference concerns through collaboration and compromise between Globalstar and unlicensed users; and
- The need for expeditious action to prevent mobile satellite spectrum licensees from being discouraged from finding new ways to use their spectrum.

We recommended adopting out-of-band-emission (“OOBE”) limits in the 2473-2483.5 MHz band that are harmonized with international standards, which would provide unlicensed users with greater opportunity to use the band. A higher OOBE limit could also mitigate concerns that allowing Globalstar to transmit at higher powers than other unlicensed users in the 2473-2483.5 MHz band would be inequitable.

We also acknowledged that approving Globalstar’s proposal could result in the perception of an unfair windfall. We suggested that the Commission address this

possibility by emphasizing that (1) Globalstar is the only provider capable of providing services in the terrestrial component of its licensed band under existing Ancillary Terrestrial Component rules and Commission precedent, and (2) transaction costs involved in managing the potential interference between the two systems would likely prevent any other provider from successfully providing a terrestrial component at 2483.5-2495 MHz.<sup>1</sup>

We questioned whether the Commission's resolution of the *Northpoint* case involving the ORBIT Act would lead to the auction of the terrestrial component of spectrum designated for international satellite licenses.<sup>2</sup>

We cautioned against providing interference protection for unlicensed users. Nevertheless, we will evaluate the effect of applying a safe harbor provision similar to the one used in the Progeny proceeding to existing unlicensed users in the 2473-2483.5 MHz band.<sup>3</sup>

We acknowledged the dearth of technical analysis on the record and recognized that further technical analysis of Globalstar's proposed TLPS is needed to determine the effect on unlicensed users. However, we also urged the Commission not to delay a ruling based on a lack of consensus about the minutiae of the technical details because: (1) there is potential for industry collaboration and compromise in resolving disputes over technical details; and (2) the nature of unlicensed spectrum affords unlicensed users no protection from other unlicensed users.

Finally, we highlighted the potential impact of Globalstar's proposed TLPS on consumers who use unlicensed products such as Bluetooth and WiFi. However, we also emphasized that Globalstar's proposed TLPS presents an opportunity to benefit consumers by bringing much-needed spectrum to the mobile broadband market.

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Please don't hesitate to contact us if you have any questions regarding this filing.

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<sup>1</sup> See *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, IB Docket Nos. 01-185, 02-364, 18 FCC Rcd. 1962, 1999, ¶ 49 (2003).

<sup>2</sup> See *Northpoint Tech., Ltd. v. FCC*, 412 F.3d 145, 147 (D.C. Cir. 2005) (citing Open-Market Reorganization for the Betterment of International Telecommunications Act, Pub. L. No. 106-180, 114 Stat. 48 (2000), as amended, Pub. L. No. 107-233, 116 Stat. 1480 (2002) (codified at 47 U.S.C. § 701 et seq.)).

<sup>3</sup> *Request by Progeny LMS, LLC for Waiver of Certain Multilateration Location and Monitoring Service Rules*, Order, WT Docket No. 11-49, 28 FCC Rcd. 8555, 8559, ¶ 10 (June 6, 2013).

Respectfully submitted,

/s/

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Cc:  
Meeting attendees