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Federal Communications Commission  
Office of Secretary

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

In the Matter of )  
)  
Globalstar LLC )  
)  
Request for Authority to Implement an )  
Ancillary Terrestrial Component for the )  
Globalstar above 1 GHz, or Big LEO, Mobile )  
Satellite Service (MSS) System (Call Sign E )  
S2115) )  
)  
Globalstar USA, LLC )  
)  
Application for Modification of Blanket )  
License Authorization for Mobile Earth )  
Station Terminals (Call Sign E970381) )

File No. SAT-MOD-20050301-00054

Received

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Policy Branch  
International Bureau

File No. SES-MOD-20050301-00261

**COMMENTS OF THE WIRELESS COMMUNICATIONS ASSOCIATION  
INTERNATIONAL, INC.**

The Wireless Communications Association International, Inc. ("WCA"), by its attorneys and in response to the Commission's April 15, 2005 *Public Notices*,<sup>1</sup> hereby submits its comments on the above-captioned applications of Globalstar LLC and Globalstar USA, LLC (collectively, "Globalstar") requesting authority to implement an Ancillary Terrestrial Component ("ATC") for Globalstar's Big LEO Mobile Satellite Service ("MSS") system.<sup>2</sup> For

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<sup>1</sup> See *Policy Branch Information, Satellite Space Station Applications Accepted for Filing*, Report No. SAT-00284, Public Notice (rel. April 15, 2005); *Satellite Communications Services Re: Satellite Radio Applications Accepted for Filing*, Report No. SES-00704, Public Notice (rel. April 15, 2005) [collectively, the "*Public Notices*"].

<sup>2</sup> As indicated in the *Public Notices*, the application of Globalstar LLC requests modification of Globalstar's space station license to provide Globalstar with blanket authority to construct and operate (continued on next page)

the reasons set forth below, it is imperative that the Commission hold Globalstar's applications in abeyance pending Commission action on the pending petitions for reconsideration of the Commission's *Report and Order* in IB Docket No. 02-364 (the "*Reallocation Order*").<sup>3</sup> If the Commission elects to move forward with authorizing Globalstar to deploy ATC, at a minimum it should condition any grant of the Globalstar ATC applications on the results of the Commission's future reconsideration of the *Reallocation Order*, including but not limited to any band-clearing or other obligations imposed on Globalstar to ensure that grandfathered Broadcast Auxiliary Service ("BAS") channel A10 licensees and relocated Broadband Radio Service ("BRS") channel 1 licensees in the 2483.5-2500 MHz band (the "S-band") are protected from harmful interference.

WCA's interest in this matter is well-established. As the trade association of the wireless broadband industry, WCA represents the vast majority of licensees and lessees of BRS channel 1, a channel that currently plays a critical role in the provision of wireless broadband services in many markets and is slated to be relocated from the 2150-2156 MHz band to the 2496-2502 MHz band to facilitate the Commission's auction of the 2110-2155 MHz band for

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an unlimited number of ATC base stations. The application of Globalstar USA, LLC seeks to modify Globalstar's blanket earth station license so that Globalstar may offer dual-mode MSS/ATC user terminals to its current and future customers.

<sup>3</sup> See *Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands and Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Service to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, Report and Order, Fourth Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 13356 (2004) ["*Reallocation Order*"]; Petition of Wireless Communications Ass'n Int'l for Reconsideration, IB Docket No. 02-364 (filed Sept. 8, 2004) ["WCA Petition"]; Petition of Society of Broadcast Engineers for Reconsideration, IB Docket No. 02-364 (filed Sept. 8, 2004) ["SBE Petition"]; Petition of Nextel Communications for Reconsideration, IB Docket No. 02-364 (filed Sept. 8, 2004) ["Nextel Petition"]; Petition of Sprint Corporation for Reconsideration, IB Docket No. 02-364 (filed Sept. 8, 2004) ["Sprint Petition"].

Advanced Wireless Services. While not the ideal solution for BRS channel 1 licensees, the relocation of BRS channel 1 to the 2496-2502 MHz band will integrate the channel into the Commission's new bandplan for BRS and Educational Broadband Service licensees at 2.5 GHz and, as such, may "provide opportunities to promote development of new and innovative" services.<sup>4</sup> Those opportunities, however, will not materialize if the rules governing the 2496-2500 MHz band do not protect BRS channel 1 licensees against harmful interference from other users of that spectrum. As demonstrated at length in the WCA Petition and elsewhere, the unavoidable fact is that relocated BRS channel 1 licensees will find it difficult to make viable use of the 2496-2500 MHz band while sharing that spectrum with, among others, Globalstar's MSS system and incumbent BAS operations.<sup>5</sup> Thus, WCA and others have called for the Commission, among other things, to eliminate MSS's primary allocation in the 2496-2500 MHz band and to require relocation of BAS from that band.

It is not clear to WCA what implications, if any, removal of MSS from the 2496-2500 MHz band would have on Globalstar's design for its ATC network. WCA fears that unless the Commission grants the relief requested here, were the Commission to allow Globalstar to deploy ATC pending action on the WCA Petition, the Nextel Petition and the Sprint Petition, Globalstar could deploy ATC facilities and then contend that it cannot reasonably modify those

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<sup>4</sup> See *Reallocation Order*, 19 FCC Rcd at 13387; *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 14165, 14177-78 (2004).

<sup>5</sup> See WCA Petition at 5-23; Opposition of Wireless Communications Ass'n Int'l to Petition for Reconsideration, IB Docket No. 02-364, at 2-11 (filed Oct. 27, 2004) ["WCA Opposition"]; Reply of Wireless Communications Ass'n Int'l to Consolidated Opposition to Petitions for Reconsideration, IB Docket No. 02-364, at 2-8 (filed Nov. 8, 2004) ["WCA Reply"]; Nextel Petition at 4-8, 11-13; Sprint Petition at 3-8.

facilities to comport with the decision on reconsideration here. In other words, WCA believes the Commission should not permit Globalstar to eliminate the options advanced by WCA and others on reconsideration by deploying ATC facilities prior to the resolution of the serious pending concerns before the Commission.

In addition, the petition for reconsideration filed by the Society of Broadcast Engineers ("SBE") confirms that BAS channel A10 licensees and relocated BRS channel 1 licensees cannot co-exist within the 2495-2500 MHz band,<sup>6</sup> establishes that BAS channel A10 licensees cannot co-exist with MSS/ATC operations in the 2487.5-2493 MHz band designated for MSS/ATC in the *Reallocation Order*, and proves that frequency coordination between MSS/ATC and BAS is not a viable solution to the problem.<sup>7</sup> Significantly, Globalstar's applications do not even acknowledge the undisputed interference threat its ATC proposal poses for BAS channel A10, instead making only a vague commitment to "perform any

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<sup>6</sup> See SBE Petition at 5 ("any attempt [by BAS and BRS channel 1] to share operations in the same area would result in disastrous co-channel interference.").

<sup>7</sup> See, e.g., *id.* at 3 ("It appears that the Commission believes that grandfathered TV BAS operations on Channel A10 are relatively minor, but this is most definitely not the case. TV BAS Channel A10 is heavily and regularly used by the TV Pickup licensees with grandfather rights.... [M]any individual TV stations hold TV Pickup licenses with Channel A10 grandfather rights, and rely heavily on the availability of a third TV BAS channel at 2.5 GHz to make frequency coordination possible. Finally, this grandfathered use of Channel A10 traditionally takes place in the very same venues that MSS ATC will most likely wish to deploy. The result would be massive and mutual interference to operations in both services, and would bring chaos to good faith BAS frequency coordination efforts that SBE has so carefully fostered."); *id.* at 2 ("SBE concedes that frequency coordination between a grandfathered *fixed link* TV BAS Channel A10 station and MSS ATC base stations *might* be possible, given 'heroic' frequency coordination and engineering that would include use of a costly ultra high performance, shrouded, receiving antenna by the fixed-link TV BAS station. SBE cannot envision such techniques as ever working for mobile/portable/itinerant grandfathered Channel A10 TV Pickup operations, where heavy, large-diameter parabolic dish antennas are completely impractical for electronic news gathering (ENG) and manpack applications.") (emphasis in original).

required frequency coordination” prior to initiating service.<sup>8</sup> Of course, SBE has already shown that this is no solution at all.<sup>9</sup>

SBE has offered the Commission a solution that largely merits adoption.<sup>10</sup> Specifically, SBE has proposed that the BAS 2.4 GHz spectrum would be digitized and refarmed, such that digital BAS channels A8, A9 and A10 would occupy the 2450-2462 MHz, 2462-2474 MHz, and 2474-2486 MHz bands respectively, and all grandfathered BAS operations above those bands would be terminated.<sup>11</sup> As noted by SBE, “[t]his digital channel plan would entirely

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<sup>8</sup> See Application of Globalstar LLC, FCC File No. SAT-MOD-20050301-00054, Exhibit B-3 at 2 (filed March 1, 2005) (citation omitted).

<sup>9</sup> See SBE Petition at 1-3.

<sup>10</sup> However, as is a matter of record in IB Docket No. 02-364, WCA strongly objects to SBE’s suggestion that the BRS channel 1 licensees being involuntarily relocated from the 2150-2156 MHz band should bear any of the costs of clearing BAS from the 2496-2502 MHz band. See WCA Opposition at 11-16. (“There is absolutely no basis for SBE’s suggestion that BRS channel 1 licensees forcibly displaced from the 2150-2156 MHz band to the 2496-2502 MHz band should share responsibility for reimbursing incumbent BAS licensees for the cost of converting TV fixed link BAS radios in the 2483.5-2500 MHz band from analog to digital operation. . . . That is a shocking position for SBE to be taking here, given that it has consistently (and WCA believes, correctly) contended that broadcasters should bear none of the costs associated with the refarming of BAS at 2 GHz or at 2.4 GHz.”) (citations omitted).

Moreover, the Commission must recognize that adoption of SBE’s proposal would not address the non-BAS sources of interference at 2496-2500 MHz that WCA has already identified, and thus the Commission would be required to adopt additional measures to ensure that relocated BRS channel 1 licensees are fully protected. As discussed in WCA’s prior filings, those additional measures should include (1) elimination of the co-primary allocation for the MSS in the 2496-2500 MHz band, (2) relocation of non-BAS, non-BRS terrestrial microwave facilities in the 2496-2500 MHz band and (3) reduction of permissible emissions in the 2496-2500 MHz band by Part 18 Industrial, Scientific and Medical (“ISM”) devices marketed after December 31, 2006 to 500 microvolts/meter measured at 3 meters. See, e.g., WCA Petition at 1-2.

<sup>11</sup> See SBE Petition at 4. Nextel Communications (“Nextel”) has proposed that it would assist with the digitization of BAS channel A10 for those BAS licensees that will be receiving new or modified 2 GHz band BAS equipment under the Commission’s approach to refarming 800 MHz after the Commission adopts Nextel’s proposal in this docket and Nextel has a reasonable opportunity to incorporate appropriate technology. See Opposition of Nextel Communications to Petitions for Reconsideration of Globalstar LLC and Society of Broadcast Engineers, Inc., IB Docket No 02-364, at 12-18 (filed Oct. 27, 2004). If accepted by the Commission, Nextel’s voluntary proposal would help clear the 2495-2500 MHz band of BAS interference to BRS channel 1; however, Nextel’s proposal does not eliminate it (continued on next page)

eliminate the present and disastrous co-channel relationship with [MSS/ATC], and also with Broadband Radio Service (BRS) Channel 1 ('BRS1') at 2,496-2,502 MHz."<sup>12</sup> When weighed against Globalstar's proposed course of action (*i.e.*, frequency coordination already shown to be ineffective for eliminating interference between MSS/ATC and BAS, and which would leave technically incompatible BAS channel A10 and BRS channel 1 licensees co-channel to each other), SBE's proposal clearly emerges as the superior choice. As such, the Commission should, if nothing else, hold Globalstar's ATC applications in abeyance until the Commission addresses SBE's persuasive showing that broadcasters' transient use of BAS channel A10 will suffer interference from MSS/ATC base station operations.

There is nothing unusual about the relief requested herein – the Commission has previously held applications in abeyance or imposed conditions thereon pending completion of related rulemakings where an unconditional grant of those applications would compromise the Commission's larger public interest objectives.<sup>13</sup> That is all WCA is asking for here, and, as shown above, the balance of equities weighs heavily in favor of granting WCA's requested relief.

WHEREFORE, for the reasons set forth above, WCA requests that the Commission hold Globalstar's ATC applications in abeyance pending Commission action on the petitions

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entirely because Nextel will not alter incumbent non-BAS terrestrial licensees' equipment and will not repack any 2.4 GHz BAS operations that do not share equipment with 1990-2110 MHz band operations. See WCA Reply at 8-10.

<sup>12</sup> SBE Petition at 4.

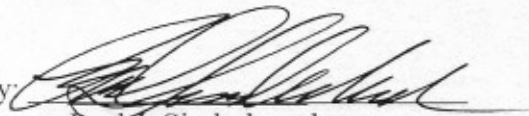
<sup>13</sup> See, *e.g.*, *Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands; Implementation of Section 309(j) of the Communications Act – Competitive Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz*, Notice of Proposed Rulemaking and Order, 11 FCC Rcd 4930, 4988-89 (1995); *CellularVision, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 9672 (WTB 1995).

for reconsideration of the Commission's *Reallocation Order* in IB Docket No. 02-364. If the Commission elects to move forward on the Globalstar ATC applications before addressing those petitions, at a minimum it should condition any grant of the Globalstar ATC applications on the results of the Commission's future reconsideration of the *Reallocation Order*, including but not limited to any band-clearing or other obligations imposed on Globalstar to ensure that grandfathered BAS channel A10 licensees and relocated BRS channel 1 licensees in the S-band are protected from harmful interference.

Respectfully submitted,

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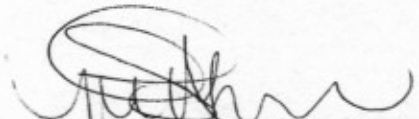
## CERTIFICATE OF SERVICE

I, Michelle A. Bynum, hereby certify that the foregoing Comment was served this 16th day of May, 2005 by depositing true copies thereof with the United States Postal Service, first class postage prepaid, addressed to the following:

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