

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 )  
ES2115) )  
 )  
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

JUN 14 2005

Policy Branch  
International Bureau

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Federal Communications Commission  
Office of Secretary

File No. SES-MOD-20050301-00261

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

The Wireless Communications Association International, Inc. ("WCA"), by its attorneys, hereby submits its reply comments in response to the "Reply of Globalstar LLC and Globalstar USA, LLC" submitted with respect to the above-captioned applications of Globalstar LLC and Globalstar USA, LLC (collectively, "Globalstar") for authority to add an Ancillary Terrestrial Component ("ATC") to its Big LEO Mobile Satellite Service ("MSS") system.<sup>1</sup> As shown below, Globalstar's filing is highly disingenuous and is otherwise

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<sup>1</sup> See Reply of Globalstar LLC and Globalstar USA, LLC, File Nos. SAT-MOD-20050301-00054 and SES-MOD-20050301-00261 (filed May 26, 2005) ["Globalstar Opposition"]. Globalstar's filing is an opposition to WCA's initial comments and the Society of Broadcast Engineers' Informal Objection filed in response to the Commission's April 15, 2005 *Public Notices* announcing acceptance of Globalstar's applications for filing. See *Policy Branch Information, Satellite Space Station Applications Accepted* (continued on next page)

unresponsive to the concerns WCA and the Society of Broadcast Engineers ("SBE") have raised regarding the potentially devastating interference consequences of Globalstar's proposed ATC operations. It therefore remains 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>2</sup> Alternatively, if the Commission elects to authorize Globalstar to deploy ATC, it should condition any grant of the Globalstar 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.

As an initial matter, the Globalstar Opposition is based on the false premise that the interference concerns raised by WCA and SBE have no bearing on the grantability of

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*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); Comments of Wireless Communications Ass'n Int'l, File Nos. SAT-MOD-20050301-00054 and SES-MOD-20050301-00261 (filed May 16, 2005) ["WCA Comments"]; Informal Objection of the Society of Broadcast Engineers, IB Docket No. 02-364 (filed May 16, 2005) ["SBE Objection"].

<sup>2</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); 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); Petition of Sprint Corporation for Reconsideration, IB Docket No. 02-364 (filed Sept. 8, 2004).

Globalstar's ATC applications. More specifically, Globalstar suggests that WCA's and SBE's interference concerns should not be heard here because they arose "in another proceeding," *i.e.*, IB Docket No. 02-364.<sup>3</sup> That is nonsense – the procedural history of the Commission's ATC rules does not change the fact that an unconditional grant of Globalstar's ATC applications may have serious and possibly irreparable interference consequences for others and the Commission has a fundamental obligation to ensure that such interference does not occur. Globalstar's argument is a smokescreen and should be dismissed as such.

More important, save for cross-citing its prior filings in IB Docket No. 02-364, Globalstar does not address, much less contest, the interference concerns raised in the WCA and SBE filings. WCA's position was quite clear: were the Commission to allow Globalstar to deploy ATC pending action on the WCA's Petition for Reconsideration in IB Docket No. 02-364 (and on similar petitions filed by Nextel Communications and Sprint Corporation), Globalstar could deploy ATC facilities and then contend that it cannot reasonably modify those facilities to comport with the Commission's decision on reconsideration.<sup>4</sup> To date, Globalstar has yet to give any indication that it will not do this. Absent such a commitment, 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 IB Docket No. 02-364.

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<sup>3</sup> Globalstar Opposition at 2; *see also id.* (stating that WCA's and SBE's requests for reconsideration "have been fully argued [in IB Docket No. 02-364] and will be resolved there; there is no reason for them to be made an issue here.").

<sup>4</sup> *See* WCA Comments at 3-4.

Likewise, Globalstar once again glosses over SBE's undisputed showing that (1) BAS channel A10 licensees and relocated BRS channel 1 licensees cannot co-exist within the 2495-2500 MHz band,<sup>5</sup> (2) 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 (3) frequency coordination between MSS/ATC and BAS is not a viable solution to the problem.<sup>6</sup> As before, Globalstar's Opposition does not even acknowledge the undisputed interference threat its ATC proposal poses for BAS channel A10, instead repeating Globalstar's vague commitment to "perform any required frequency coordination" prior to initiating service.<sup>7</sup> Of course, SBE has already shown that given the itinerant nature of BAS this is no solution at all,

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<sup>5</sup> See SBE Petition at 5 ("any attempt [by BAS/BRS channel 1] to share operations in the same area would result in disastrous co-channel interference."); SBE Objection at 2-4.

<sup>6</sup> See, e.g., SBE Petition 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).

<sup>7</sup> See Globalstar Opposition at 3; Application of Globalstar LLC, FCC File No. SAT-MOD-20050301-00054, Exhibit B-3 at 2 (filed March 1, 2005) (footnote omitted).



and nothing in Globalstar's Opposition otherwise gives the Commission any comfort on that point.<sup>8</sup>

In sum, it is ironic that Globalstar portrays itself as the victim here.<sup>9</sup> To the contrary, it is BAS Channel A10 licensees who stand to suffer harmful interference should Globalstar be awarded unconditional authority to deploy ATC. Globalstar's dramatics aside, WCA is only asking the Commission to address Globalstar's ATC applications in a time sequence that prevents such interference and assures the Commission full flexibility to address potential interference to relocated BRS channel 1 licensees. Ultimately, the only way to truly ensure fair treatment of *all* licensees in the 2483.5-2500 MHz band, and especially those who are today operating in the band and face an immediate risk of interference, is to hold Globalstar's applications in abeyance pending completion of the reconsideration phase in IB Docket No. 02-364. Quite clearly, the Commission has more than ample authority to take such action.<sup>10</sup>

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<sup>8</sup> Globalstar plays loose with the facts when it claims it "has made crystal clear that intends to comply fully with . . . any modified rules that may eventuate from reconsideration of the existing [ATC/BAS/BRS] spectrum sharing plan." Globalstar Opposition at 3 (footnote omitted). Globalstar's ATC applications in fact make no reference whatsoever to any of the pending petitions for reconsideration in IB Docket No. 02-364 or how Globalstar intends to comply with any Commission action thereon. Indeed, as pointed out by SBE, Globalstar's ATC applications do not even acknowledge the ATC/BAS interference problem, much less make any commitment to comport with the Commission's resolution of that issue on reconsideration. See SBE Objection at 3 ("Although the Globalstar application addresses how its proposed ATC would protect the Radio Astronomy Service . . .; the Radio-Navigation-Satellite/Aeronautical Radio-Navigation Services . . .; the Table Mountain Radio Receiving Zone at Boulder County, Colorado . . .; the National Radio Astronomy Observatories at Green Bank, WV and Sugar Grove WV . . .; and all FCC Monitoring Stations . . ., nowhere in [its] application does Globalstar mention the existence of co-channel TV BAS Channel A10 operations, with their co-equal priority, and earlier-in time status.").

<sup>9</sup> See Globalstar Opposition at 2.

<sup>10</sup> See *Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40 GHz Bands; Implementation of Section 309(j) of the Communications Act - Competitive Bidding*, Memorandum Opinion and Order, 12 FCC Rcd 2910, 1915 (1997) ("[T]he Commission may take temporary measures to hold applications in abeyance pending its decision on the substantive matters upon which public comments is sought."). Globalstar dismisses the relevance of the Commission's decision in its 39 GHz  
(continued on next page)

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

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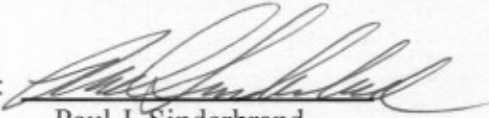
rulemaking to hold pending 39 GHz applications in abeyance pending resolution of application processing issues in that proceeding. *See* Globalstar Opposition at 4-5. Once again, however, Globalstar mistakenly hangs its hat on the irrelevant fact that the Commission is addressing the ATC/BAS/BRS interference issue in IB Docket No. 02-364, not in IB Docket No. 01-185. *See id.* ("In [the 39 GHz] case, the FCC was reexamining the very licensing process for award of the licenses at issue. Here, by contrast, the FCC has already adopted final rules to govern the processing of ATC applications . . . . The fact that disappointed parties have petitioned for reconsideration of spectrum sharing rules in a *totally separate proceeding* should have no impact on the Commission's consideration of Globalstar's ATC applications.") (emphasis in original). As shown above, that argument is a red herring: the fact that the Commission is addressing the ATC/BAS/BRS interference problem in a separate docket has no bearing on the Commission's fundamental obligation to ensure that Globalstar's proposed ATC operations do not cause interference. Holding Globalstar's applications in abeyance pending resolution of the reconsideration petitions in IB Docket No. 02-364 remains the most equitable solution for *all* licensees in the 2483.5-2500 MHz band and, as reflected in the Commission's 39 GHz rulemaking, is hardly unprecedented

imposed on Globalstar to ensure that grandfathered BAS channel A10 licensees and relocated BRS channel 1 licensees are protected from harmful interference.

Respectfully submitted,

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June 8, 2005

## CERTIFICATE OF SERVICE


I, Michelle A. Bynum, hereby certify that the foregoing Reply Comments of The Wireless Communications Association International, Inc. was served this 8th day of June, 2005 by depositing true copies thereof with the United States Postal Service, first class postage prepaid, addressed to the following:

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