WILMER CUTLER PICKERING
HALE AND DORR LLP

Josh L. Roland

2445 M STREET NW
WASHINGTON, DC 20037
+1 202 663 6266
+1 202 663 6363 fax
josh.roland@wilmerhale.com

October 17, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Submission in FCC File No. SAT-MOD-20050301-00054

Dear Ms. Dortch:

Globalstar LLC ("Globalstar") is submitting the attached letter to address the concerns raised by the National Telecommunications and Information Administration ("NTIA") in connection with Globalstar's pending application for ATC authority. Globalstar accordingly requests that the letter be associated with the above-referenced application.

Pursuant to Section 1.1206(b) of the Commission's rules, an original and four copies of this letter are provided for the public record.

Respectfully Submitted,

Josh L. Roland
Counsel to Globalstar LLC

Attachment

cc: Karl Kensinger
William F. Adler

Globalstar

GLOBALSTAR LLC
461 SO. MILPITAS BLVD.
MILPITAS, CA 95035

Tel: (408) 933-4525
Fax: (408) 933-4960
www.globalstar.com

Anthony J. Navarra
President

October 14, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: File No. SAT-MOD-20050301-00054, Globalstar Ancillary Terrestrial Component ("ATC") Application

Dear Ms. Dortch:

On May 25, 2005, the National Telecommunications and Information Administration ("NTIA") submitted a letter in this proceeding ("May 25 Letter") to the International Bureau ("IB") requesting that the Commission impose more stringent out-of-band limits on emissions from Globalstar's ATC terminals into the Radionavigation Satellite Service ("RNSS") band at 1559 - 1610 MHz than the Commission's rules currently require.[1] NTIA's specific proposal is presented in Table 1, attached. NTIA's arguments in its May 25 Letter are essentially similar to those that it made in the *ATC Rulemaking Proceeding* in which the Commission declined to adopt NTIA's request for more stringent emission limits for ATC terminals in any of the three MSS bands.[2]

Recognizing the importance of providing the maximum feasible protection for the U.S. Global Positioning System ("GPS"),[3] in early-August[4] Globalstar entered into discussions to that end with NTIA, in its capacity as Chair of the Interdepartmental Radio Advisory Committee ("IRAC"). After thorough investigation, analysis and testing, in mid-September Globalstar advised NTIA that, notwithstanding the existing FCC rules governing emission limits, Globalstar would voluntarily implement more stringent emission limits in its ATC terminals. Specifically, Globalstar committed to build its ATC terminals to satisfy the protection level requested by NTIA for GPS, *i.e.*, -90 dBW/MHz below 1590 MHz immediately and -100 dBW/MHz below 1590 MHz by 2012.[5] In the RNSS band segment immediately adjacent to Globalstar's ATC band assignment, Globalstar proposed a somewhat higher emission limit of -20 to -75 dBW/MHz

---

[1] See 47 C.F.R. § 25.254(b)(4).

[2] *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, FCC 03-15 (rel. February 10, 2003), ¶¶ 179-184 & 197-200; Memorandum Opinion and Order and Second Order on Reconsideration, FCC 05-30 (rel. April 13, 2005), ¶¶ 68-72.

[3] *See* President's December 15, 2004, *U.S. Space-Based Positioning, Navigation, and Timing Policy* ("GPS Policy Statement"), which, among other things, provides guidance for "development, acquisition, operation, sustainment, and modernization of the Global Positioning System and U.S.-developed, owned and/or operated systems used to augment or otherwise improve the Global Positioning System."

[4] NTIA did not serve its letter on Globalstar, and the letter did not come to Globalstar's attention until mid-July.

[5] The GPS L1 frequency is centered at 1575.42 MHz. The other existing and prospective GPS frequencies are lower in the RNSS bands and not affected by Globalstar ATC terminal emissions. This emission limit also protects the prospective Galileo RNSS system at the same level.

between 1610 and 1605 MHz determined by linear interpolation. Although this emission limit would fully protect GPS, it appears that one or more of the IRAC members is unwilling to accede to it.

Globalstar's ability to fulfill its business and financial objectives for the next several years is contingent, in part, on obtaining ATC authority.[6] Globalstar believes that it has carried its burden of demonstrating that the public interest, convenience and necessity require expeditious grant of its ATC application as filed. Globalstar will continue its dialog with IRAC through NTIA in an effort to reach a more suitable agreement on emission limits; however, at this time Globalstar cannot afford any further delay of its ATC application.[7] Accordingly, Globalstar will commit to meet the emission limits for 1610 - 1605 MHz in Table 1. Meeting these limits may require Globalstar to fund new technology development for its ATC phone, or to reduce power in its lowest ATC channel (1610-1611.25 MHz for a CDMA channel).[8]

Globalstar consents to inclusion of the emission limits in Table 1 as a condition upon Globalstar's ATC authorization. Because these emission limits are not in the Commission's rules and can only be incorporated therein following a rulemaking proceeding, Globalstar requests that the Commission stipulate that the condition on Globalstar's ATC authorization is subject to modification upon completion of any future rulemaking proceeding,[9] or upon any future Globalstar agreement with NTIA and IRAC members that may permit an increase in the acceptable emission limits.

Respectfully submitted,

Anthony J. Navarra
President

Attachment

CC: Mr. Fred Wentland, NTIA
Mr. Karl Nebbia

---

[6] See, *e.g.*, Globalstar ATC *ex parte* presentation, File No. SAT-MOD-20050301-00054, dated August 17, 2005.

[7] Even if the Commission were disposed to grant the application, the Commission is committed to coordinate its decision with other U.S. Government agencies through NTIA. *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*, Memorandum Opinion and Order and Second Order on Reconsideration, FCC 05-30 (rel. April 13, 2005), ¶ 71.

[8] Globalstar is currently authorized to operate ATC in only 5.5 MHz of the 11.35 MHz of 1.6 GHz spectrum (paired with 5.5 MHz in the 2.4 GHz Band) to which it has access for MSS. 47 C.F.R. § 25.149(a)(2)(iii).]

[9] "It is our intention to establish discussions with other agencies ... to better understand what protection levels for GPS are warranted. The results of those discussions may lead to future rulemaking proposals ...." Memorandum Opinion and Order and Second Order on Reconsideration, *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*, FCC 05-30 (rel. April 13, 2005), ¶ 70.

Attachment

The authorized mobile earth terminals (METs) shall comply with the following unwanted emission limits:

Frequency (MHz)	EIRP	
	(dBW/MHz)	(dBW/1 kHz)
1605-1610	-85 to -42 level determined by linear interpolation	-95 to -52 level determined by linear interpolation
1600-1605	-85	-95
1590-1600	-90 to -85 level determined by linear interpolation	-100 to -95 level determined by linear interpolation
1559-1590	-90	-100
METs placed in service after 2012 should restrict EIRP levels to 5 dB lower than the values shown in this table.		

Table 1
NTIA Proposal