

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

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Federal Communications Commission
Office of the Secretary

In the Matter of)
)
GLOBALSTAR LICENSEE LLC) IBFS File No. SAT-MOD-
) 20080516-00106
Application for Modification of)
Authority to Operate an Ancillary)
Terrestrial Component and Request)
For Waiver of the Commission's Rules)

PETITION TO DENY OF SPRINT NEXTEL CORPORATION

SPRINT NEXTEL CORPORATION

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Summary

Globalstar Licensee LLC (Globalstar) fails to satisfy the Commission's ancillary terrestrial component (ATC) gating requirements for its proposed Mobile Satellite Service (MSS) ATC network. Granting Globalstar's request would allow two different operators to provide two separate, stand-alone services in two different spectrum bands.

First, Globalstar does not offer an integrated MSS ATC service. Globalstar excludes its commercial voice and duplex data services from the MSS component of its MSS ATC offering until at least 2011. Globalstar's resulting one-way, narrowband MSS data offering – essentially a paging service – would include only a GPS tracking function, limited messaging capabilities, and rudimentary emergency connectivity. By contrast, ATC subscribers would receive high-speed two-way services over Open Range's stand-alone WiMAX network. Moreover, Globalstar shows neither the intent nor the capacity to control the operations of the ATC service for which it seeks authority. Characterizing the separately owned and operated services of Globalstar and Open Range as “integrated” is disingenuous at best.

Second, Globalstar's intermittent voice and data services also do not meet the Commission's continuous geographic coverage and in-orbit spare requirements. Publicly available information indicates that Globalstar's S-band failures have resulted in substantial impairment of these core services that continues to degrade over time. Globalstar has failed to provide sufficient information in its application to assess whether and when its MSS constellation will resume full operation and satisfy the fundamental requirement of nationwide, continuous geographic coverage. At a minimum, the Commission should reject Globalstar's application for ATC authority unless or until it

makes the investment necessary to ensure continuous, robust, two-way MSS coverage that it must provide.

Third and finally, Globalstar seeks authority to incorporate virtually all known air interfaces into its ATC authority, including TDD and FDD-based WCDMA, TD-CDMA and LTE air interfaces in both the L- and S-band. The open-ended nature of Globalstar's request renders detailed analysis of their proposal challenging to conduct. Even the most superficial analysis of the interference potential of these air interfaces, however, indicates that Globalstar's technical analysis is incomplete and that its proposed MSS ATC may cause harmful interference to wireless broadband services that Sprint Nextel and other licensees provide on Broadband Radio Service (BRS) Channel 1. Accordingly, the Commission should deny Globalstar's request for modified ATC authority.

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PETITION TO DENY OF SPRINT NEXTEL CORPORATION

The Commission should deny the application of Globalstar Licensee LLC (Globalstar) for modification of its authority to operate an ancillary terrestrial component (ATC).¹ Globalstar's proposed MSS ATC offering is fundamentally at odds with the regulatory framework that the Commission established for MSS ATC. Globalstar does not come close to meeting the Commission's ATC gating requirements, and cannot justify a waiver of these requirements. In addition, Globalstar seeks authority to incorporate virtually all known air interfaces into its ATC authority, including TDD and FDD-based WCDMA, TD-CDMA and LTE air interfaces in both the L- and S-band, which renders detailed analysis of their proposal challenging to conduct. Even the most superficial analysis of the interference potential of these air interfaces, however, indicates that Globalstar's proposed MSS ATC is likely to cause harmful interference to wireless

¹ Globalstar Licensee LLC, Application for a Minor Modification of Space Station License, IBFS File No. SAT-MOD-20080516-00106 (May 16, 2008) (Application); Public Notice, Report No. SAT-00525 (rel. May 23, 2008).

broadband services that Sprint Nextel and other licensees provide on Broadband Radio Service (BRS) Channel 1.

I. GLOBALSTAR'S REQUEST FOR ATC AUTHORITY FAILS TO MEET THE ATC GATING REQUIREMENTS AND NO WAIVER IS WARRANTED.

Granting Globalstar's request for ATC authority would thwart the Commission's MSS ATC regulatory framework that allows ATC to supplement – not supplant – the satellite services of MSS operators. Under Globalstar's latest MSS ATC proposal, two different operators will provide two different services in two different spectrum bands. The terrestrial services offered by Open Range will not extend the reach of Globalstar's MSS operation, nor will the satellite service of Globalstar extend Open Range's terrestrial operation. Instead, two discrete services will serve two different markets for many years to come. In addition, Globalstar's core voice and data services do not meet the Commission's geographic coverage and in-orbit spare requirements. Finally, Globalstar has failed to provide sufficient information to assess whether and when its MSS constellation, which currently can reliably provide only one-way, simplex service, will resume full operation and prove able to satisfy the fundamental requirement of nationwide, continuous geographic coverage. The Commission should affirm the basic policies underlying the MSS ATC framework and deny Globalstar's application.

A. Integrated Services Requirement

1. Globalstar Has Not Demonstrated That It Meets the Commission's Integrated Services Requirement

Globalstar and Open Range offer two different, stand-alone services in two different spectrum bands. To receive ATC authority, an MSS licensee must:

“(1) integrate ATC offerings with the principal MSS offering, (2) use the same

frequencies for ATC and the principal MSS operations, and (3) use ATC simply to augment signals, consistent with MSS operations, rather than create a materially different service.”² Globalstar fails each of these criteria.

First, Globalstar does not offer an “integrated service,” but two separate stand-alone services.³ Globalstar “must make an affirmative showing to the Commission that demonstrates that [its] ATC service offering is truly integrated with [its] MSS offering.”⁴

An MSS ATC applicant can meet the integrated service requirement under a “dual-mode handset” safe harbor if its proposed handset “contains all the hardware and software necessary to acquire and communicate via both the operator’s MSS system’s signal and its ATC system’s signal, either within the casing or permanently affixed to the casing.”⁵ Globalstar’s proposed MSS ATC handset does not satisfy this standard.

Globalstar excludes its commercial voice and duplex data services – a core part of its current MSS portfolio – from the MSS component of its first-generation MSS ATC offering. Instead, Globalstar proposes to offer a low function, one-way MSS paging service in conjunction with Open Range’s planned two-way mobile WiMAX service.⁶

As a threshold matter, Globalstar’s decision creates an enormous disparity in functionality between the satellite and terrestrial services in its first-generation MSS ATC

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, 18 FCC Rcd. 1962, ¶ 70 (2003) (*MSS ATC R&O*).

³ See 47 C.F.R. § 25.149(b)(4).

⁴ *MSS ATC R&O* ¶ 87.

⁵ *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, 20 FCC Rcd. 4616, ¶ 29 (2005) (*MSS Recon Order*).

⁶ Application at Attachment 1, pp. 17-19.

offering. Globalstar's one-way, narrowband MSS data offerings would include only a GPS tracking function, limited messaging capabilities, and rudimentary emergency connectivity.⁷ Subscribers that use what is essentially an MSS paging system would have no voice service, and would be unable to receive any information or content whatsoever. In contrast, once connected to a laptop or other equipment, subscribers in ATC mode would be able to transmit and receive high-speed mobile data services over Open Range's stand-alone WiMAX network.⁸ Characterizing these incompatible services as "integrated" is disingenuous at best.

Globalstar and Open Range are different companies that intend to offer two different services: Globalstar with its one-way only satellite device, and Open Range with its two-way terrestrial communicator.⁹ While Globalstar claims Open Range's subscribers might use the satellite paging service to initiate one-way simplex transmissions to Globalstar's MSS constellation, subscribers could not use the Globalstar device, by itself, to transmit or receive information from the Open Range ATC network. For ATC purposes, the satellite component would serve only as a modem and would not provide a meaningful user interface. Globalstar has in effect taken its existing narrowband data device, added a terrestrial modem capability, and re-categorized this device as a "dual-mode handset." Indeed, until at least 2011, Globalstar subscribers would be able to access any two-way data offering only if Open Range's terrestrial

⁷ Application at Attachment 1, p. 17.

⁸ Application at Attachment 1, pp. 17-18; *id.* at Attachment 2, Technical Exhibit, p. 2.

⁹ Application at Attachment 1, p. 17. Globalstar concedes that it has no intention of deploying a fully functional dual-mode MSS/MSS ATC device until "approximately the first half of 2011." Globalstar Application at Attachment 1, p. 18.

service was available.¹⁰ The Commission should reject this transparent attempt to circumvent the Commission integration requirement.

Second, at least until Globalstar launches a fully functional MSS constellation and begins to deploy a real dual-mode handset “in approximately . . . 2011,” Globalstar will operate MSS and MSS ATC on two entirely different spectrum bands. The Commission years ago rejected this type of spectrum plan. According to the Commission, the “‘separate-band, separate-operator’ approach . . . would, in essence, reallocate spectrum from MSS to other uses” – an outcome that would be “unreasonable and unwarranted.”¹¹ In this case, Globalstar’s aging satellite constellation provides one-way simplex MSS communications exclusively in the L-band.¹² Open Range will provide two-way duplex communications exclusively in the S-band. This separate-band, separate-operator approach is precisely what the Commission considered and rejected in its *MSS ATC Order*.

Third, Globalstar will operate independently of Open Range. In the Application, Globalstar proposes to provide ATC service jointly with Open Range “pursuant to a spectrum manager lease agreement.”¹³ Globalstar fails to provide additional details regarding the nature of its arrangement with Open Range, other than that the parties “intend to distribute each other’s service offerings through their respective Internet sites

¹⁰ Application at Attachment 1, p. 17.

¹¹ *MSS ATC R&O* ¶ 58.

¹² While two-way communications are periodically possible, availability is limited and will continue to decrease until the operator’s next-generation satellites are launched to restore two-way communications.

¹³ Application at Attachment 1, p. 2.

and retail dealers.”¹⁴ In a recent publicly available securities filing, however, Globalstar indicates that its thirty-year spectrum lease will give Open Range significant control over the operations in Globalstar’s ATC frequencies.¹⁵ According to this lease, Open Range will have control over the location of facilities, daily management of the ATC network, and employee hiring.¹⁶ Outside of lease payments to Globalstar, Open Range will “receive all monies and profits from the operation of the System.”¹⁷ To assess the arrangement between Globalstar and Open Range, Globalstar must provide additional information about its lease arrangement. Yet even based on the limited information available thus far under the redacted lease Globalstar has filed with the Securities and Exchange Commission, Globalstar evinces neither the intent nor *the capacity* to control the operations of the terrestrial and satellite services for which it seeks authority.

The purpose of ATC is to allow MSS licensees to “extend[] their communications services to urban areas and in buildings where the satellite signal is attenuated,” not to lease their spectrum to third parties for profit.¹⁸ If the Commission had wanted to authorize separate, stand-alone terrestrial operations in the MSS spectrum as opposed to integrated extension of previously licensed MSS operations, then section 309(j) of the

¹⁴ Application at Attachment 1, p. 19.

¹⁵ Globalstar, Inc., Quarterly Report (Form 10-Q) (May 12, 2008), at Exhibit 10.3, Spectrum Manager Lease Agreement, at Section 7(a) (“Spectrum Manager Lease Agreement”), *available at*: <http://www.sec.gov/Archives/edgar/data/1366868/000110465908032046/a08-11623_1ex10d3.htm>.

¹⁶ *See* Spectrum Manager Lease Agreement at 2-3 (“[T]he Spectrum Usage Rights granted hereunder convey to [Open Range] the right and obligation to use the Leased Spectrum to purchase, construct and operate the System to provide [broadband] Services within the Leased Territories”).

¹⁷ *Id.* at 3.

¹⁸ *MSS ATC R&O* ¶ 14.

Communications Act would have required the Commission to open the resource for mutually exclusive applications and competitive bidding.¹⁹ In that case, the “terrestrial rights associated with a grant of ATC authority to MSS operators” would no longer be “directly linked to existing MSS authorizations” and the separate initial authorization of a stand-alone terrestrial service requires the Commission “to use competitive bidding to assign such rights.”²⁰

Under Globalstar’s ATC application, two different operators will offer two different services in two different spectrum bands. Globalstar crudely attempts to cram these two distinct services into the same MSS ATC package, but superficial bundling is to no avail. The Commission should find that Globalstar has failed to meet the ATC gating requirement of integration.

2. Globalstar Has Not Justified a Waiver of the Integrated Services Requirement

Recognizing that its proposed first-generation MSS ATC offering falls short of meeting the Commission’s integrated services gating requirement, Globalstar alternatively asks that the Commission waive this requirement.²¹ The Commission

¹⁹ *MSS ATC R&O* ¶ 66 (“Without the integrity afforded by these MSS ATC service-rule requirements, an alternative licensing or distribution mechanism should be used.”) According to the Commission, this type of “‘separate-band, separate-operator’ approach, however, would, in essence, reallocate spectrum from MSS to other uses. We believe that reconsideration of the spectrum-management decision to allocate resources to MSS is unreasonable and unwarranted. . . .” *MSS Recon Order* ¶ 78 n.185, citing *MSS ATC R&O* ¶ 58.

²⁰ *MSS ATC R&O* ¶ 224.

²¹ Application at Attachment 1, pp. 20-21. The Commission will grant waivers if “allowing deviation from a rule requirement would not disserve the rule’s underlying purpose and would better serve the public interest than requiring strict compliance.” *Mobile Satellite Ventures Subsidiary LLC*, Order and Authorization, 19 FCC Rcd 22144, ¶ 14 (2004) (*MSV ATC Order*); see also *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

should deny this request, since a grant would undermine fundamental policy objectives underlying the Commission's MSS ATC framework.

In establishing the integrated service requirement and the other ATC gating requirements, the Commission intended that "the primary purpose of [a] MSS licensee's system remain[] the provision of MSS."²² By comparison, the Commission stated that the purpose of ATC "is to enhance MSS coverage, enabling MSS operators to extend service into areas that they were previously unable to serve, such as the interiors of buildings and high-traffic density urban areas."²³ While Globalstar tries to highlight the benefits of its simplex data service, Open Range's mobile WiMAX offering will be the predominant service supported by the first-generation dual-mode device. Whether measured in terms of minutes of traffic or charges incurred, subscribers would use Open Range's robust broadband service far more than they would Globalstar's limited, one-way satellite paging service. Accordingly, a waiver permitting Open Range's mobile broadband deployment on Globalstar's ATC frequencies would be directly contrary to the Commission's goal that "MSS remain[] first and foremost a satellite service"²⁴ and that a licensee's ATC facilities not develop into a "stand-alone system."²⁵

Globalstar attempts to justify its request by arguing that it needs only a temporary waiver of the integrated service requirement. According to Globalstar, once its second-generation satellite constellation is launched and operational, it will be able to provide mobile broadband service through the MSS component of new MSS ATC dual-mode

²² *MSS ATC R&O* ¶ 88.

²³ *MSS Recon Order* ¶ 33.

²⁴ *MSS ATC R&O* ¶ 88.

²⁵ *MSS Recon Order* ¶ 33.

devices.²⁶ Globalstar estimates that these second-generation devices will become available during 2011.²⁷ As an initial matter, however, the Commission cannot assume that Globalstar's planned second-generation MSS constellation will be deployed on the schedule described by Globalstar, if ever. In its securities filings, Globalstar has indicated that its ability to finance the construction, launch, and operation of its second-generation constellation is largely dependent on its ability to earn sufficient revenues from its current simplex data services.²⁸ As even Globalstar concedes, the commercial viability of those data services is unclear.²⁹ If there is significant delay in the deployment of Globalstar's second-generation constellation, Globalstar's "temporary" waiver could turn into a long-term exemption, with the prospect of repeated extensions to prevent service disruption to Globalstar/Open Range subscribers.

In any event, the fact that Globalstar may be able to meet the integrated service criteria *three years from now* does not justify approval of an interim ATC proposal that would *today* directly contravene the Commission's fundamental MSS ATC principles.³⁰ Globalstar looks for support to the Commission's 2004 temporary waiver of the integrated service gating requirement for Mobile Satellite Ventures (MSV), but that

²⁶ Application at Attachment 1, pp. 20-21.

²⁷ *Id.* at 18.

²⁸ Globalstar, Inc., Annual Report (Form 10-K) at 26 (March 17, 2008) ("Globalstar 2008 10-K"), available at: <<http://www.sec.gov/Archives/edgar/data/1366868/000104746908002849/a2181782z10-k.htm>>.

²⁹ *Id.*

³⁰ Globalstar also argues that the fact that its satellite downlink problems are allegedly beyond its control weighs in favor of a waiver grant. Application at Attachment 1, p. 24. Sprint Nextel disagrees. While such a finding may support Globalstar's pending request for modified interim authority for its MSS operations, it would in no way justify a Commission decision to permit Globalstar to deploy a predominantly terrestrial service.

decision is not relevant to Globalstar's request.³¹ The *MSV ATC Order* focused on the need for a "link margin booster" to enable MSS reception on MSV's proposed dual-mode MSS ATC handsets. Beyond that issue, there was a much greater degree of integration between MSV's MSS and ATC offerings than described in Globalstar's proposal. For instance, in contrast to the SPOT device, "protocols [in MSV's handsets] enabling ATC and MSS modes of operation . . . reside[d] in a single baseband chipset in the handsets, and a common set of internal amplifiers and a single integral antenna [served] both modes."³² Moreover, in MSV's case, there was *no functionality gap between the proposed MSS and ATC offerings, and the proposed MSS and ATC services were not provided by different operators in different spectrum bands.*

B. Geographic Coverage and In-Orbit Spare Requirements

Globalstar argues that its simplex data service in the L band satisfies the Commission's ATC gating requirements relating to geographic coverage and the need for an in-orbit spare.³³ In fact, the coverage and reliability of Globalstar's simplex service is irrelevant, given Globalstar's concession that its commercial voice and duplex data services do not meet these ATC gating criteria. The Commission established its geographic coverage and in-orbit spare requirements to "help ensure that ATC remains an integrated operation that augments rather than replaces satellite-based MSS services,"

³¹ See *MSV ATC Order* ¶¶ 20-21.

³² *Id.* ¶ 20.

³³ Application at Attachment 1, pp. 14-16, 24-25; see 47 C.F.R. § 25.149(b)(1)(iii) (requiring that Big LEO licensees must "provide space-segment service to all locations as far north as 70° North latitude and as far south as 55° South latitude for at least seventy-five percent of every 24-hour period . . . and on a continuous basis throughout the fifty states, Puerto Rico and the U.S. Virgin Islands"); 47 C.F.R. § 25.149(b)(2) (requiring that NGSO MSS ATC systems maintain an in-orbit spare to ensure continuous coverage.).

and this fundamental principle applies to all of an MSS operator's offerings, especially core services like voice and duplex data.³⁴

Recognizing its noncompliance, Globalstar alternatively asks the Commission for a waiver of the geographic coverage and in-orbit spare requirements.³⁵ In isolation, it is difficult for the Commission and other interested parties to assess this waiver request, given the absence of data in the Application regarding the extent and continuity of Globalstar's geographic coverage in the S band.³⁶ Based on publicly available information, though, it appears that the severe failure of its S-band antenna amplifiers has resulted in substantial and worsening degradation in its MSS downlink performance. According to its securities filings, "[t]here are periods of time each day during which no two-way voice and data service is available at any particular location."³⁷ Globalstar has indicated further that "if the degradation of the S-band antenna amplifiers continues at the current rate or further accelerates, and if [Globalstar is] unsuccessful in developing additional technical solutions, interruptions of two-way communications services will increase, and by some time in 2008 substantially all of [Globalstar's] in-orbit satellites launched prior to 2007 will cease to be able to support two-way communications services."³⁸ If Globalstar's downlink coverage shortfall is as substantial as it appears

³⁴ *MSS ATC R&O* ¶ 74.

³⁵ Application at Attachment 1, pp. 24-25.

³⁶ While Globalstar cites to its January 2008 request for interim operating authority, the six-month-old data contained in that filing is now outdated. Application at Attachment 1, p. 15 n.29; see Globalstar Licensee LLC Request for Interim Operating Authority, File No. SAT-STA-20070713-00098, at 4-5 (July 13, 2007).

³⁷ Globalstar, Inc., Quarterly Report (Form 10-Q) at 16 (May 12, 2008), available at: <http://www.sec.gov/Archives/edgar/data/1366868/000110465908032046/a08-11623_110q.htm>.

³⁸ Globalstar 2008 10-K at 22.

from these disclosures, this fact would further confirm that Open Range's terrestrial operations would be the primary component of Globalstar's first-generation MSS ATC offering. In this scenario, the Commission should reject Globalstar's provision of ATC services until it makes the investment necessary to ensure continuous, robust, two-way MSS coverage, including the deployment of an in-orbit spare with two-way capability.

At a minimum, before considering Globalstar's request for waiver of the geographic coverage and in-orbit spare gating requirements, the Commission should require Globalstar to submit detailed, up-to-date technical data regarding the performance of its MSS constellation. This filing should include information pertaining to the geographic coverage of its voice and duplex data services, the reliability and continuity of this coverage, and the likely effect of additional satellite downlink failures on the provision of this service.

II. GLOBALSTAR'S MSS ATC PROPOSAL MOSTLY RELIES ON UNCERTAIN STANDARDS AND, TO THE EXTENT IT DOES NOT, APPEARS LIKELY TO CAUSE HARMFUL INTERFERENCE TO ADJACENT-CHANNEL BROADBAND LICENSEES.

Globalstar has asked for permission to use a variety of technologies for its ATC operations.³⁹ One of the many technologies for which it seeks authority, Long Term Evolution (LTE), is not even standardized: no authoritative set of interference criteria exists by which adjacent-channel licensees can actually assess the interference potential of this technology since the technical standard itself remains highly fluid. It is not realistic for Globalstar to seek – or the Commission to grant – authority for a technology that does not yet exist.

³⁹ Application at Attachment 1, p. 2.

For the technologies that actually exist, Globalstar continues to assert – falsely – that the technology is significantly more robust than it actually is. In particular, Globalstar continues to assume WiMAX will have an Adjacent Channel Selectivity (ACS) of 70 dB.⁴⁰ It does not.⁴¹ Even if WiMAX had an ACS of this magnitude, of course, the Commission’s rules place the burden for resolving interference to Broadband Radio Service and Educational Broadband Service operations on Globalstar and Globalstar alone.

Although Globalstar seeks authority for many other air interfaces, Globalstar performs technical interference analysis for only one: WiMAX. Other technologies, such as WCDMA and TD-CDMA, go unanalyzed. Whatever their interference potential relative to WiMAX, these technologies operate differently and will have different potential to cause interference that demands some basic level of analysis. Globalstar, however, remains silent on whether and how these technologies might affect adjacent-channel WiMAX operations. Globalstar must offer some defensible showing of compatibility between WCDMA and TD-CDMA and adjacent-channel WiMAX operations or its application for these air interfaces must be denied.

Finally, Globalstar’s application also indicates “that Globalstar’s ATC base stations will produce no greater interference than is permitted by the Commission’s technical specifications.”⁴² Globalstar references the Commission’s revised ATC out-of-band emissions limits; however, Globalstar does not acknowledge the Commission’s

⁴⁰ Application at Attachment 2, Technical Exhibit, pp. 21-33

⁴¹ See Reply Comments of Sprint Nextel Corporation, IB Docket No. 07-253, at 13-17 (Jan. 3, 2008).

⁴² Application at Attachment 1, p. 14.

continuing requirement for ATC to resolve interference regardless of the technical specifications Globalstar meets.⁴³ Globalstar should be required to coordinate and synchronize any WiMAX operations with nearby BRS-1 licensees.

⁴³ See 47 C.F.R. § 25.255; *Spectrum and Service Rules for Ancillary Terrestrial Components in the 1.6/2.4 GHz Big LEO Bands; Globalstar Licensee LLC, Authority to Implement an Ancillary Terrestrial Component*, Report and Order and Order Proposing Modification, 23 FCC Rcd. 7210, ¶ 36 (2008). Any ATC authority issued to Globalstar should include an express condition repeating the Commission's requirement to eliminate any interference regardless of the technical parameters with which Globalstar purports to comply. This condition should cover the possibility that Globalstar will need to purchase filters for BRS-1 base stations located within line-of-sight of Globalstar's ATC base stations in order to avoid receiver overload.

III. CONCLUSION

The Commission should deny Globalstar's request for modified ATC authority. Globalstar cannot meet the Commission's ATC gating requirements or justify a waiver of these requirements. The Commission should also require Globalstar to accurately assess and evaluate the interference potential of its proposed system with adjacent-channel broadband licensees. Based on the limited information provided thus far, Globalstar's proposed MSS ATC operations may cause harmful interference to adjacent-channel broadband licensees.

Respectfully submitted,

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June 23, 2008

Declaration

I am a Distinguished Member of the technical staff of Sprint Nextel Corporation and have more than thirty-five years of experience working on communications interference and other technical regulatory issues. I have analyzed the technical information contained in this Petition to Deny, including the likelihood of harmful interference to Sprint Nextel's fourth-generation wireless broadband network if Globalstar's request for modified ATC authority is granted. I declare under penalty of perjury that the technical and engineering information contained in the foregoing Petition to Deny of Sprint Nextel Corporation is true and correct to the best of my personal knowledge and belief.

Executed on June 23, 2008

/s/ Harry W. Perlow
Harry W. Perlow
Sprint Nextel Corporation

Certificate of Service

I, Claudia Del Casino, hereby certify that on this 23rd day of June, 2008, I caused true and correct copies of the foregoing Petition to Deny of Sprint Nextel Corporation to be mailed by first-class mail to:

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