

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FILED/ACCEPTED  
JUL - 9 2008  
Federal Communications Commission  
Office of the Secretary

In the Matter of )  
)  
GLOBALSTAR LICENSEE LLC ) File No. SAT-MOD-20080516-00106  
)  
Application for Minor Modification )  
Of Space Station License )  
)

EX PARTE COMMENTS OF MAIN STREET BROADBAND LLC  
IN OPPOSITION TO PETITION TO DENY

Main Street Broadband LLC (“MSB”) hereby urges the Commission to deny the petitions filed by Iridium Satellite LLC (“Iridium”) (Petition to Deny of Iridium Satellite LLC, filed June 23, 2008) and Sprint Nextel Corporation (“Sprint”) (Petition to Deny of Sprint Nextel Corporation filed June 23, 2008) in opposition to the above referenced application filed by GlobalStar Licensee LLC (“GlobalStar”).

MSB is a company created to deploy Broadband Wireless Access (“BWA”) systems in rural markets. Through its wholly-owned subsidiary, Broadband South LLC, MSB is a borrower under the United States Department of Agriculture Rural Utilities Service (RUS) rural broadband access loan program. The RUS makes funds available to support the United States government’s policy objective of encouraging deployment of broadband systems in rural communities, with the ultimate objective of universal broadband access. As reflected in prior comments filed by MSB with respect to Docket No. 07-253 (see Comments of Main Street Broadband LLC, filed December 19, 2007 and Reply Comments of Main Street Broadband LLC, filed January 3, 2008), MSB believes that broadband availability is an **essential service** that is key to

productivity and economic development in rural communities, in addition to improvements in education, public safety, health care, and other public services. Further, MSB believes that rural communities are grossly underserved with respect to affordable broadband access, effectively denying this essential service to millions of Americans:

It is abundantly clear that BWA networks are the most effective and efficient means of addressing this void that exists in rural communities, given the enormous per-household cost of deploying fiber, cable and DSL solutions to areas with very low household density. The performance of BWA networks is greatly enhanced by the utilization of licensed spectrum. Therefore, in order to address the **public interest** of universal broadband access, the Commission should make every effort to insure the greatest availability of appropriate spectrum assets, *and the means to most efficiently utilize such assets*. Toward that end, the Commission should approve the GlobalStar application and authorize the use of additional air interface protocols, thereby allowing the ATC spectrum assets to be utilized with the most efficient technology available, be it WiMax, TD-CDMA, LTE or CDMA.

Of course, the public interest should not be served at the expense of the operational interests of other licensees, such as Sprint or Iridium. However, neither petitioner has argued that it would suffer greater interference as a result of the use of additional protocols. It appears, rather, that Sprint and Iridium are objecting on the basis of their own competitive interests. Fortunately, it is the role of the Commission to evaluate this matter in light of the public interest, which MSB believes is served by the most efficient utilization of spectrum to deploy affordable BWA services and advanced applications in unserved and underserved markets. Indeed, arbitrarily restricting the technology options for specific spectrum assets is in direct contradiction to the public interest.

It is imperative that licensees such as GlobalStar, either directly or with commercial partners, have the ability to utilize their spectrum resources to the fullest extent possible, without interfering with other licensees, in order to deploy innovative, essential and cost-effective solutions to the millions of households and businesses that do not have competitive broadband availability.

MSB urges the Commission to deny the Sprint and Iridium petitions, and to grant the GlobalStar application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mies", written in a cursive style.

Michael F. Mies  
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**SERVICE LIST**

I, Michael F. Mies, hereby certify that the foregoing Ex Parte Comments of Main Street Broadband LLC In Opposition To Petition To Deny were served this July 9<sup>th</sup>, 2008 on the following parties as noted below:

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