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October 14, 2008

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BY HAND

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OCT 15 2008

Federal Communications Commission
Office of the Secretary

ORIGINAL

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

Re: Ex Parte Notification
Globalstar Licensee LLC -- Application for Minor Modification of Space
Station Authorization, FCC File No. SAT-MOD-20080516-00106

Dear Ms. Dortch:

On October 14, 2008, the undersigned, representing Globalstar Licensee LLC ("Globalstar") and Jon Christensen, representing Open Range Communications, Inc. ("Open Range"), met with John Giusti, Robert Nelson, and Karl Kensinger of the Commission's International Bureau to discuss issues relating to the above-referenced application proceeding. Helen Domenici, Chief of the International Bureau, joined by telephone. During the meeting, Globalstar and Open Range provided the attached information for the record.

Should there be any questions concerning this submission, please contact the undersigned.

Sincerely yours,



William Lake
Counsel to Globalstar Licensee LLC

Attachment

cc: Helen Domenici
John Giusti
Robert Nelson
Karl Kensinger

Proposed Short-Term Waiver of MSS/ATC Integration Requirement

October 14, 2008

Beginning in the second quarter of 2009, Globalstar and Open Range intend to deploy a nationwide MSS/ATC network that provides broadband data services to six million rural Americans with the potential to expand the system over time to serve up to fifty million people who have few if any broadband options today. The MSS/ATC network will combine satellite communications capabilities with WiMax capabilities to deliver an anytime, anywhere high-speed data service to rural consumers with greater mobility than terrestrial wireless or wireline systems.

As Globalstar discussed in its Modification Application, its first-generation satellite constellation is approaching the end of its design life and is experiencing reduced capacity due to unanticipated degradation of its S-band subsystems. To ensure its long-term future as a competitive MSS provider, Globalstar is investing in excess of \$1.2 billion toward the design, manufacture, and launch of its second-generation satellite constellation and the upgrade of its ground station infrastructure to create a high-speed data capability. The engineering and manufacture of the second-generation constellation began in 2005, and the final assembly and testing are well underway, with the first satellites scheduled for delivery beginning in July 2009 and the first satellite launch currently scheduled for September 23, 2009, about 11 months from today. Globalstar's ground station upgrade will offer robust high-speed MSS data services to its MSS subscribers. Globalstar is scheduled to offer these 3G/4G MSS services in North America in the summer of 2011.

As part of the deployment of Globalstar's second-generation constellation and upgraded ground station infrastructure, Globalstar has contracted with Hughes Network Systems to design and manufacture a new satellite air interface on a chip that will communicate with Globalstar's second-generation constellation and upgraded ground infrastructure once they become operational. The new chipset will not be available until late 2010, however, and no alternative chipset exists today. The only existing chip that is capable of providing two-way communications with Globalstar's first-generation satellite constellation is an end-of-life product that is no longer being manufactured, does not support broadband speeds, and will not be able to communicate with Globalstar's second-generation ground infrastructure. As a result, it is not possible to incorporate a high-speed chip that will be capable of communicating with Globalstar's second-generation facilities into the Globalstar/Open Range end-user devices in time for the initial market rollout of MSS/Open Range service, anticipated for mid-2009.

Globalstar recognizes that section 25.149(b)(4) of the Commission's rules, 47 C.F.R. § 25.149(b)(4), contemplates that its MSS/ATC end-user device will be integrated (*e.g.*, be a dual-mode device that can communicate with both the MSS and ATC networks to provide the proposed MSS/ATC service). Given the lack of availability of the Hughes chipset in time to meet the RUS-mandated deadline for initial rollout of service by Open Range, however, the initial devices cannot incorporate the two-way high-speed data capability that the Hughes chipset will subsequently make possible. Accordingly, Globalstar and Open Range have proposed to use

as their first-generation MSS/ATC device a modified version of Globalstar's SPOT Satellite Personal Tracker – a one-way MSS device that offers valuable services on its own and was designed specifically to meet the emergency communications needs of customers in rural areas. Therefore, Globalstar requests a short-term waiver of the integration requirement until the earliest point in time in which the Hughes chipsets become available in production quantities.

To address any concerns that the Commission may have about the timeframe within which a fully integrated end-user device will be made available to consumers, Globalstar and Open Range propose the following deployment schedule:

- The initial rollout of service by Open Range, scheduled to commence in mid-2009, will include approximately 2,500 customers in a proof-of-concept deployment. These customers will receive the first-generation device that cannot be upgraded to the new high speed MSS service but will be offered an exchange upgrade when the new units are available. This corresponds to the first five markets on the Build Schedule submitted by Open Range in this proceeding on October 3, 2008.^{1/}

- Full-scale rollout of service by Open Range will begin in early 2010 and will extend over four years as its network is deployed. Open Range will provide these subscribers with a device that is upgradeable to include the new high-speed MSS service when the new Hughes chipset becomes available in early 2011. Under the Open Range Build Schedule,^{2/} this corresponds to the next approximately 189-217 markets.

- The Hughes chipset is scheduled to become available in production quantities in early 2011 and will be incorporated into all new Open Range end-user devices shipped from that point forward (the “second-generation Open Range device”). Because the majority of the full-scale Open Range rollout will occur over four years, this second-generation Open Range device will be available well before service is deployed to the majority of Open Range subscribers.

- Accordingly, by the third quarter of 2011, Open Range will have built out facilities offering service to approximately four million rural residents, who will have available to them ATC devices capable of taking advantage of the new high-speed MSS services offered by Globalstar's new satellites and ground facilities. No more than approximately 2,500 of these people will have initially received the first-generation device with limited MSS capability.

^{1/} See Submission of Open Range Communications, Inc., FCC File No. SAT-MOD-20080516-00106 (filed Oct. 3, 2008).

^{2/} *Id.*