

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Globalstar Licensee LLC)	Call Sign S2115
GUSA Licensee LLC)	File No. SAT-MOD-20080904-00165
)	
Application for Modification of)	
Nongeostationary Mobile Satellite Service)	
System License (S2115) To Launch a)	
Second-Generation System)	

OPPOSITION OF GLOBALSTAR LICENSEE LLC

I. INTRODUCTION AND SUMMARY.

Pursuant to section 25.154(c) of the Commission's rules, 47 C.F.R. § 25.154(c), Globalstar Licensee LLC ("Globalstar") hereby opposes Iridium Satellite LLC's ("Iridium") Petition to Deny the above-referenced application in which Globalstar seeks authority to launch and operate the replacement satellites that will comprise its second-generation Mobile Satellite Service ("MSS") constellation.^{1/} As Globalstar has demonstrated, deployment of Globalstar's replacement constellation will serve the public interest by enabling it to provide robust, reliable, and affordable MSS services for the benefit of its current and future customers for the long term. Iridium's Petition utterly fails to raise any legitimate issue that would warrant denial of Globalstar's Application. To the contrary, Iridium's pleading is little more than a transparent attempt to gain

^{1/} See Petition to Deny of Iridium Satellite LLC (filed May 18, 2009) ("Iridium Petition"). See also *Globalstar Licensee LLC, GUSA Licensee LLC, Application for Modification of Nongeostationary Mobile Satellite Service System License (S2115) To Launch a Second-Generation System*, Call Sign S2115, File No. SAT-MOD-20080904-00165 (Filed Aug. 29, 2008) ("Second-Generation Application" or "Application").

competitive advantage and reduce competition in the MSS marketplace by delaying the deployment of Globalstar's second-generation system to the detriment of Globalstar's customers.

II. GLOBALSTAR POSSESSES THE CHARACTER QUALIFICATIONS TO HOLD ITS REQUESTED AUTHORIZATION.

Iridium asserts that Globalstar's Second-Generation Application should be denied because the operational difficulties Globalstar has faced in complying with the terms of the Commission's October 15, 2008, *Modification Order*^{2/} allegedly render it unfit to hold the requested authorization. (Iridium Petition at 5-8.) This claim is meritless.

As an initial matter, none of the cases Iridium cites in its Petition supports the proposition that Globalstar's fitness to hold its license is in question here, and no amount of hot air can inflate this matter to a level of consequence that it does not have. All the case law developed by the Commission and the courts over decades demonstrate that fitness to be a licensee comes into question only when there is a serious lack of candor, misrepresentation of material facts, and/or repeated and willful violations of the Communications Act and Commission rules.^{3/} Even felony convictions might not be disqualifying if they are not related to the obligations of a licensee. As we show below, the circumstances here do not raise the specter of a disqualifying transgression in any way, shape, or form.

^{2/} See Globalstar Licensee LLC, Call Sign S2115, Modification of Authority to Operate a Mobile Satellite Service System in the 1.6/2.4 GHz Frequency Band, *Order of Modifications*, 23 FCC Rcd 15207 (2008) ("*Modification Order*"). The *Modification Order* was issued following the Commission's November 9, 2007 Order revising the Big LEO spectrum sharing plan in the United States by reassigning for use by Iridium's Time Division Multiple Access ("TDMA") system certain spectrum previously reserved for Code Division Multiple Access ("CDMA") carriers in the United States, including Globalstar. See Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands, *Second Order on Reconsideration and Second Report and Order*, 22 FCC Rcd 19733 (2007) ("*November 9th Order*").

^{3/} See, e.g., *Kay v. F.C.C.*, 396 F. 3d 1184 (D.C. Cir. 2005), and cases cited therein.

The Commission specifically recognized the substantial challenges that Globalstar might face in conforming its operations in certain countries outside of the U.S. to the terms of the *Modification Order* and expressly acknowledged that a waiver of those terms might be necessary in certain circumstances. That the Commission has not yet acted upon Globalstar's request for such relief is not cause for denying or withholding action on Globalstar's Application, especially given Globalstar's candor with the Commission about its need for that relief because of its inability to come into compliance in some countries.^{4/}

As Globalstar has shown, the *Modification Order* was an unprecedented (and unanticipated) extension of the scope of the Commission's decision in its *November 9th Order* to Globalstar's operations outside of the United States.^{5/} In issuing the *Modification Order*, the Commission recognized that Globalstar has "built and marketed, and is operating its system, on frequency bands contained in its 1995 license," which license does not expire until 2013, and that "requiring Globalstar to terminate transmissions in certain parts of the world on frequencies in which it has existing operating agreements may impose undue costs on both Globalstar and the countries accessing the Globalstar space stations."^{6/} For this reason, the Commission

^{4/} See Globalstar Licensee LLC and GUSA Licensee LLC – Request for Waiver and Request for Special Temporary Authority, SAT-STA-20081215-00231 (filed Dec. 15, 2008) ("Request for Waiver" and "Request for Special Temporary Authority"). Nor, as Iridium suggests, does Globalstar's decision to accept the Commission's invitation to request a waiver of the *Modification Order* "implicitly recognize" its validity. Iridium Petition at 6. To the contrary, Globalstar has filed a Petition for Reconsideration challenging the Order's validity. See Petition for Reconsideration of Globalstar Licensee LLC and GUSA Licensee LLC (filed Nov. 14, 2008) ("Petition for Reconsideration").

^{5/} See, e.g., Petition for Reconsideration at 5-6.

^{6/} *Modification Order* at ¶ 41.

expressly invited Globalstar to request “a waiver or modification of the limitation of space station frequencies below 1618.725 MHz.”^{7/}

Notwithstanding its legal position that the *Modification Order* is both unlawful and contrary to the public interest,^{8/} Globalstar has taken extensive measures since the issuance of the Order to comply with its terms. Immediately after the Order was released, Globalstar began the process of adjusting, as best it could, its global channel assignments to conform with the Commission’s decision.^{9/} Among other steps, Globalstar contacted its independent gateway operators (“IGOs”) to determine whether their national licenses would allow them to use channels below 1618.725 MHz within their territories. However, as Globalstar has candidly acknowledged, in certain countries outside of the United States, Globalstar and the IGOs have faced significant technical as well as regulatory constraints in attempting to comply with the terms of the *Modification Order*.^{10/} Among other constraints, a multiplicity of factors affect which channels can be assigned to which gateways, and the assignment of specific channels to any single gateway affects the channels assigned to adjacent gateways and so on with a cascade effect.^{11/}

^{7/} *Id.*

^{8/} *See* Petition for Reconsideration at 2-13.

^{9/} Globalstar’s efforts to comply with the terms of the *Modification Order* are described in the Affidavit of Paul A. Monte filed on February 2, 2009 in support of Globalstar’s Request for Waiver (“Monte Affidavit”). *See also* Opposition of Globalstar Licensee LLC (filed Feb. 2, 2009) (“Globalstar Opposition”). As Globalstar has demonstrated, immediately following the release of the *November 9th Order*, and well before the *Modification Order* was issued, Globalstar conformed its operations in the U.S. to the revised Big LEO band plan. *See* Request for Waiver at 10.

^{10/} *See* Monte Affidavit at 6-10.

^{11/} *Id.* at 3-6.

As a result, such system modifications on a global scale could not be accomplished quickly, and certainly not within the sixty days before the effective date of the *Modification Order*.^{12/} In addition, Globalstar realized that complying fully with the *Modification Order* would not be possible at all in certain countries without substantially harming Globalstar's services. As Globalstar informed the Commission, for example, if Globalstar were required to cease operations on the spectrum covered by its Request for Waiver at its Russian gateways, it would be forced to eliminate service to many subscribers, including U.S. troops in Afghanistan who are served through those gateways.^{13/}

Consequently, in addition to petitioning for reconsideration of the *Modification Order*, Globalstar requested a waiver of certain of its terms, as the Commission specifically indicated it should do. Because Globalstar was unable to determine and document the scope of its waiver request and file it until the December 15 effective date of the *Modification Order*, Globalstar simultaneously filed a Request for Special Temporary Authority ("STA Request") to allow it to continue to operate on the affected frequencies from enumerated gateways "for 180 days or until the Commission acts on [its waiver], whichever is shorter."^{14/} In Globalstar's experience, similar

^{12/} See, e.g., Request for Waiver at 12-20.

^{13/} See Monte Affidavit at 9-10.

^{14/} See Request for Waiver at 19-20. Although Iridium continues to make much of the date on which Globalstar filed its Request for Waiver (Iridium Petition at 4), Iridium misconstrues the facts leading up to Globalstar's request and, in any event, those facts cannot justify a denial of Globalstar's Application here. The *Modification Order* did not become effective until sixty days after its release, within which time Globalstar filed both its Request for Waiver and Request for Special Temporary Authority. Nothing in the Commission's rules or decisions requires that an applicant file such a request far in advance of the deadline as Iridium asserts. Globalstar would like to have filed its request sooner but was unable to do so for the reasons stated here. Because the 60th day after the *Modification Order* fell on a Sunday, the filing was timely under 47 C.F.R. § 1.4(j).

STA requests are commonly considered and granted quickly when doing so would benefit the public interest without causing undue harm to any other party.^{15/} Globalstar had no reason to expect that the Commission would deviate from that approach here, particularly given that Iridium, the sole beneficiary of the *Modification Order*, is not even currently authorized to operate on the affected spectrum in many of the countries at issue and has made no factual showing that it would be harmed if an STA were granted.^{16/}

Given the unique circumstances at issue here, and Globalstar's good faith and transparent attempts to obtain relief so as to avoid shutting down service to customers, Iridium's allegations that Globalstar's conduct demonstrates a "proclivity to violate other laws" or "commit felonies"^{17/} is nothing more than overheated and unsupported rhetoric. Globalstar's diligent efforts to comply with the Commission's processes for obtaining relief contradict Iridium's accusation of "willful," "intentional," or "blatant disregard" for the Commission's rules,^{18/} particularly given the Commission's own recognition that a waiver might be necessary in the wake of the *Modification Order*. Globalstar takes seriously its responsibility to deal openly and truthfully with the Commission, and it has done so in every application and pleading that it has filed with the Commission since its founding in 1993. Iridium cites no Commission or judicial

^{15/} See, e.g., Iridium Satellite LLC, File No. SES-STA-20060907-01681 (application for STA to operate five transmit antennas at a new earth station in Fairbanks, AK, pending action on underlying modification application), STA application filed Sept. 7, 2006, granted Sept. 18, 2006; and Orbcomm License Corp., File No. SAT-STA-20080725-00149 (application for STA to operate space-to-earth feeder downlinks in spectrum reserved for space-to-earth service downlinks), application filed July 25, 2008, granted August 15, 2008.

^{16/} See, e.g., Request for Waiver at 18-19; Globalstar Opposition at 9-10.

^{17/} See *id.* at 6-7 and n. 20.

^{18/} See Iridium Petition at 1, 5-6.

precedent that calls into doubt Globalstar's fitness to be a licensee in the circumstances at issue here.

Finally, Globalstar's limited operations on the spectrum at issue are hardly "unprecedented" as Iridium asserts.^{19/} In fact, as Globalstar has demonstrated, Globalstar's actions pale in comparison to those of Iridium, which has operated and continues to operate in violation of the terms of its space station license in the spectrum below 1621.35 MHz in a number of countries.^{20/} In adopting its Big LEO MSS rules, the Commission stressed that it would "continue to require our licensees to meet both their international obligations and *any national requirements imposed by other licensing administrations regarding operations within their territories.*"^{21/} In authorizing Iridium to operate below 1621.35 MHz, the Commission reiterated that Iridium's operations outside of the United States must be on a non-interference basis to any allocated radio services in that spectrum, including in particular radio astronomy users.^{22/} Since that time, however, Iridium repeatedly and continuously has violated this condition, operating below 1621.35 MHz in the many countries where it lacks authority to do so. But unlike Globalstar, Iridium has never sought a waiver of these terms of its licensed authority or, to Globalstar's knowledge, explicitly acknowledged its failure to comply with them. Further,

^{19/} See *id.* at 5.

^{20/} See, e.g., Globalstar Opposition at 8-9. Iridium began operating worldwide in this spectrum when the International Bureau granted it temporary authority to operate in the Middle East in June 2003, and has continued to do so without interruption since 2004, when the Commission modified the U.S. Big LEO band plan to authorize Iridium to share in the United States the spectrum between 1618.25 and 1621.35 MHz. See *id.* at 8, n. 17.

^{21/} Amendment of the Commission's Rules To Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, *Report and Order*, 9 FCC Rcd 5936 (1994) ("*Big LEO Report and Order*") at ¶ 211 (emphasis added).

^{22/} See, e.g., Modification of Licenses held by Iridium Constellation, LLC and Iridium US LP, *Order*, 18 FCC Rcd 20023 (Int'l Bur. 2003) at ¶ 16.

unlike Globalstar, Iridium has been subject to complaints from foreign licensing authorities requesting that the Commission sanction Iridium and control its operations.^{23/} Yet despite the seriousness of Iridium's unlawful activities, Globalstar has not taken the low road by asserting publicly that they render Iridium unfit to hold a license. The Commission must reject Iridium's effort to make such a case here against Globalstar.

III. GLOBALSTAR'S MODIFICATION APPLICATION CONFORMS WITH THE BIG LEO L-BAND SPECTRUM PLAN.

Iridium asks that the Commission deny Globalstar's Second-Generation Application to the extent it seeks authority to operate outside the spectrum between 1610-1618.725.^{24/} Iridium's assertion is misplaced. In its Application, Globalstar sought authority to operate in the same service links authorized for Globalstar's first-generation satellite constellation. At the time Globalstar filed its Application, the specific frequencies in the Big LEO L-band available for use by Globalstar were subject to several pending proceedings, some of which have now been concluded, and some of which are ongoing. In light of the current status of these proceedings, Globalstar clarifies the scope of its requested L-band service link spectrum as described below:

A. 1621.35 MHz – 1626.5 MHz Band

In its Second-Generation Application, Globalstar sought authority for earth-to-space service link operations in the 1610-1626.5 MHz band.^{25/} In doing so, Globalstar intended that its replacement satellites be authorized to operate on the same service link as set forth in its original

^{23/} See Globalstar Opposition at 8-9, n. 20 (citations omitted).

^{24/} See Iridium Petition at 8-12.

^{25/} See Second-Generation Application at 6-7. Globalstar held such authority for its first-generation constellation prior to the *November 9th Order*.

satellite authorization, which encompassed the entire 1610-1626.5 MHz band.^{26/} Globalstar acknowledges that it is no longer the Commission's policy to issue construction permits to U.S. licensed space stations, and that under the U.S. Big LEO band plan the 1621.35-1626.5 MHz band is reserved for TDMA MSS licensees. Accordingly, Globalstar confirms that it no longer seeks authority from the Commission to operate its replacement satellites in this spectrum.

B. 1618.725-1621.35 MHz Band

The Commission's *November 9th Order* reassigned to Iridium's TDMA system the spectrum between 1618.725 and 1621.35 MHz that previously had been assigned for CDMA carriers under the original U.S. Big LEO MSS band plan. Subsequently, the Commission's *Modification Order* modified Globalstar's space station authorization in accordance with the revised Big LEO band plan. As noted above, Globalstar has sought reconsideration of the *Modification Order* and also sought waiver of its application to certain countries outside of the United States. Because those requests remain pending, Globalstar continues to request that its replacement satellites be authorized to operate in the spectrum between 1618.725 and 1621.35 MHz, subject to the condition that such authorization would be operative only to the extent that Globalstar's reconsideration petition and/or waiver request are granted.

IV. GLOBALSTAR NEED NOT DEMONSTRATE ITS FINANCIAL ABILITY TO PROCEED WITH THE LAUNCH OF ITS SECOND-GENERATION CONSTELLATION.

Iridium's assertion that Globalstar has failed to make an adequate financial showing in connection with its Second-Generation Application is misplaced. First and foremost, as Iridium

^{26/} See Loral/Qualcomm Partnership, L.P. for Authority to Construct, Launch and Operate Globalstar, a Low Earth Orbit Satellite System to Provide Mobile Satellite Services in the 1610-1626.5 MHz/2483.5-2500 MHz Bands, File Nos. 19-DSS-P-91(48), CSS-91-014 and 21-SAT-MISC-95, *Order and Authorization*, 10 FCC Rcd 2333 (1999) at ¶ 25, Erratum, 10 FCC Rcd 3926 (1999).

itself recognizes,^{27/} there is no requirement in the Commission's rules or decisions that applicants for replacement satellite constellations make any financial showing as to their ability to proceed with launch or operation of their satellites. To the contrary, in 2003 the Commission specifically eliminated any requirement for an applicant to demonstrate its financial ability to construct and launch a satellite system.^{28/} Accordingly, Iridium's request that the Commission require that Globalstar makes such a showing here must be rejected.

In any event, Iridium's suggestion that Globalstar lacks the financial ability to proceed with its replacement constellation ignores fundamental facts as to the advanced status of Globalstar's second-generation system. Globalstar executed an agreement with its second-generation vendor, Thales Alenia Space ("Thales Alenia") for the design, manufacture, and delivery of the replacement satellites *almost two-and-a-half years ago*,^{29/} and the satellites that will comprise the constellation are well along and about to begin assembly, integration and testing. Moreover, it is a matter of public record that Globalstar *already has paid* a substantial portion of the estimated costs of its second-generation constellation,^{30/} and that Globalstar has obtained additional financing commitments in support of the project, no small accomplishment

^{27/} See Joint Opposition at Joint Opposition and Response of Iridium Holdings LLC, Iridium Carrier Holdings LLC and GHIL Acquisition Corp. (filed Jan. 12, 2008) ("Joint Opposition") at 6 n. 15 ("The FCC eliminated any requirement for an application to demonstrate its financial ability to construct and launch a satellite system in 2003").

^{28/} See Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 10760 (2003) ("*Space Station Licensing First Report and Order*") at ¶¶ 161-165.

^{29/} See "Globalstar, Inc. Signs Contract with Alcatel Alenia Space for Second-Generation LEO Satellite Constellation" (Dec. 4, 2006), *available at* http://www.globalstar.com/en/news/pressreleases/press_display.php?pressId=426.

^{30/} See Globalstar, Inc. Form 10Q, filed with the United States Securities and Exchange Commission on May 11, 2009 ("Globalstar Form 10Q") at 36-37 ("Capital Expenditures").

in today's economic environment.^{31/} In light of these facts, there can be little doubt as to Globalstar's financial ability to proceed with its plans, and Iridium's allegations are simply false – another attempt to misuse the Commission's processes for competitive advantage.

Iridium's assertion that Globalstar fails to comply with the Commission's \$5 million bond posting requirement^{32/} is similarly misleading, and misrepresents the Commission's rules. As an initial matter, the requirement in the Commission's rules that an applicant post a bond by its express terms does not apply *until 30-days after an application has been granted.*^{33/} As Globalstar's Second-Generation Application is still pending, it simply is not possible, as Iridium contends, for Globalstar to have "fail[ed] to demonstrate" its compliance with the bond posting rule.

More fundamentally, the bond posting requirement does not even apply where an applicant seeks authority to launch and operate replacement satellites, as is the case here. In adopting the bond requirement, the Commission made clear that it would apply the requirement "to new satellite licensees only, *not replacement satellites.*"^{34/} In drawing this distinction, the Commission recognized that a bond requirement is not necessary "[o]nce a licensee has begun to provide service," because "its replacement satellite application will be intended to continue service, and

^{31/} See "Globalstar Announces Coface Backing For Proposed Financing," Press Release (March 25, 2009) ("Coface has agreed to provide a guaranty in support of a proposed \$574 million credit facility to be extended by a syndicate of banks to Globalstar Globalstar intends to use the financing to solidify its long-term space system by funding the manufacture and delivery of the Globalstar second-generation satellites by Thales Alenia Space as well as the launch of those satellites by launch services provider Arianespace.").

^{32/} See Iridium Petition at 14.

^{33/} See 47 C.F.R. § 25.165.

^{34/} See *Space Station Licensing First Report and Order* at ¶ 167 (emphasis added).

will not be filed for speculative purposes.”^{35/} The Commission later confirmed that where an operating licensee seeks to launch replacement satellites, a bond requirement will only be imposed to the extent the licensee seeks to “add certain frequencies” to those previously authorized.^{36/} The Commission recently reiterated this interpretation of the bond requirement when it granted a competing MSS provider authority to launch replacement satellites within its license term.^{37/} In its Second-Generation Application, Globalstar has not proposed to use any additional spectrum compared to its first-generation satellites, and accordingly cannot be subject to the bond requirement.

For similar reasons, the Commission must reject Iridium’s argument that Globalstar should be subject to a bond requirement because Globalstar “seeks to replace satellites that have already failed” or to “expand ‘the coverage area’ of its existing constellation by filling in the gaps in service.”^{38/} Contrary to Iridium’s assertion, although it is well-documented that many of Globalstar’s satellites have experienced reduced capacity as they have aged, Globalstar’s constellation continues to function and provide a level of service consistent with the Commission’s rules. There thus is simply no merit to Iridium’s assertion that Globalstar’s Second-Generation

^{35/} *Id.*

^{36/} See Amendment of the Commission’s Space Station Licensing Rules and Policies, *First Order on Reconsideration and Fifth Report and Order*, 19 FCC Rcd 12637 (2004) at ¶ 59.

^{37/} See Applications by Orbcomm License Corp. for Authority to Modify its Non-Voice, Non-geostationary Satellite System, *Order and Authorization*, 23 FCC Rcd 4804 (2008) at ¶ 7 n. 14 (“Because the six non-geostationary satellites in the first phase of launch involve the same Little LEO frequencies and service areas as authorized, the bond requirements do not apply.”) and ¶ 10 n. 27 (“Because Orbcomm is assigned additional spectrum, we impose a satellite bond. This is consistent with our policy of imposing a bond on next generation satellites that are authorized to operate in additional satellite frequency bands.”).

^{38/} See Iridium Petition at 14-15.

Application seeks to do anything more than ensure the continued, long-term availability of service to Globalstar's customers – exactly as the Commission intended when it exempted replacement satellites from the bond posting requirement.

Iridium is engaging in nothing more than a tit-for-tat effort to impose a financial showing or bond posting requirement on Globalstar simply because Globalstar has identified a series of public interest concerns raised by the pending transfer of control application filed by Iridium's affiliates, Iridium Holdings, LLC and Iridium Carrier Holdings, LLC and GHQ Acquisition Corp. ("GHQ").^{39/} As an initial matter, Iridium's suggestion that it has filed its own "application to deploy a next-generation satellite system"^{40/} is simply false. Iridium's pending application requests authority only for the transfer of control of Iridium and its affiliates to GHQ – and not for any replacement constellation. In connection with Iridium's application, Globalstar has raised legitimate concerns about whether the proposed transaction is in the public interest given that it appears intended primarily to provide a short-term financial windfall for Iridium's owners, rather than ensure that Iridium's services will be available once its current constellation ceases to provide reliable service.^{41/} Globalstar has not, as Iridium states,^{42/} suggested that a licensee whose second-generation system is nearing completion should be required to make any formal financial showing as part of its application.

^{39/} See Iridium Carrier Services LLC, FCC File Nos. ITC-T/C-20081021-00471 *et al.* See also Globalstar Petition to Deny, IB Docket No. 08-232 (filed Dec. 29, 2008) ("Globalstar Petition to Deny").

^{40/} See Iridium Petition at 12.

^{41/} See Globalstar Petition to Deny at 2 (*citing* Application, Exhibit F at 1). In their Opposition to Globalstar's Petition, the parties made no effort to dispute Globalstar's assertions.

^{42/} Iridium Petition at 12-13.

In any event, Iridium's effort to equate its pending transfer of control application with Globalstar's Second-Generation Application is belied by the fact that Iridium still has no tangible plans whatsoever to launch a replacement constellation of its own. In contrast to Globalstar, Iridium has made absolutely no tangible financial commitment to launch a replacement constellation. By Iridium's and GHQ's own admissions, "[i]n order to replace its existing constellation, [Iridium] must undertake the design, construction and launch of a new constellation of satellites."^{43/} However, "[w]hile [Iridium] is currently working with two potential providers to design a [replacement] satellite constellation...the design process is still at an early stage" and Iridium and GHQ plainly acknowledge that Iridium "may not complete" the ambitious "Iridium NEXT" "on time, on budget or at all."^{44/} As a result, "[w]hile [Iridium] expects its current constellation will be operational through 2014," it "cannot guarantee it will provide commercially viable service through the transition period to Iridium NEXT."^{45/} These admissions become more troubling each day that passes without any tangible progress on Iridium's part toward the deployment of its own second-generation constellation.^{46/}

^{43/} See GHQ Acquisition Corp., Schedule 14A filed with the United States Securities and Exchange Commission on April 28, 2009 ("GHQ Schedule 14A") at 69.

^{44/} *Id.* at 69, 38.

^{45/} *Id.* at 38.

^{46/} Since Globalstar filed its Petition to Deny, additional concerns regarding the proposed transaction have come to light. First, on April 28, 2009, Iridium and GHQ notified GHQ's investors that the terms of the transaction by which GHQ will acquire Iridium have been substantially amended. See, e.g., GHQ Acquisition Corp., Form 8-K, filed with the United States Securities and Exchange Commission on April 28, 2009. (The amendment will result in GHQ's putting less money into Iridium.) However, to date Iridium and GHQ have not acted to amend their pending transfer of control application or – based on publicly available filings – even notified Commission staff of the amendments. Second, Iridium has failed (at least in any publicly-filed document) to respond to the many significant questions raised by the Commission staff concerning the current and proposed foreign ownership of Iridium. See E-mail from James Ball, Chief,

CONCLUSION

For the foregoing reasons, Globalstar requests that the Commission deny Iridium's Petition and grant Globalstar's Application for authority to launch the replacement satellites that will form the basis of its second-generation constellation. Iridium has failed to provide any justification for denying Globalstar's Application, and Globalstar has demonstrated that the expeditious grant of its Application would serve the public interest.

Respectfully submitted,

/s/ Samir C. Jain

William F. Adler
Vice President – Legal and
Regulatory Affairs
GLOBALSTAR, INC.
461 S. Milpitas Blvd.
Milpitas, CA 95035
(408) 933-4401

Samir C. Jain
Josh L. Roland
WILMER CUTLER PICKERING HALE
AND DORR L.L.P.
1875 Pennsylvania Ave., NW
Washington, D.C. 20006
(202) 663-6000

*Counsel for Globalstar Licensee LLC and
GUSA Licensee LLC*

May 28, 2009

Policy Division, International Bureau, to Jennifer Hindin, *et al*, Counsel to Iridium Holdings LLC (March 10, 2009). *See* 47 C.F.R. § 25.152(b) (The Commission will “dismiss an application for failure to prosecute or failure to respond to substantially within a specified time period to official correspondence or requests for additional information.”).

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2009, I caused a true and correct copy of the foregoing to be served by first-class mail and/or electronic mail on the following:

John Giusti, Acting Chief*
International Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Jim Ball, Chief*
Policy Division, International Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Robert Nelson, Chief*
Satellite Division, International
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Howard Griboff*
International Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554
Howard.Griboff@fcc.gov

Roderick K. Porter*
International Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

R. Michael Senkowski
Jennifer D. Hindin
Wiley Rein LLP
1776 K Street N.W.
Washington, D.C. 20006
Counsel to Iridium Satellite LLC

Best Copy and Printing, Inc.*
FCC@bcpiweb.com



*Indicates by electronic mail only.