

Globalstar, in its pending request for license modification and STA request, has sought to attribute its failure to meet its deadline to an April 2009 earthquake in Italy and general turmoil in the financial markets last year. Nothing else has been advanced publicly in the record in this proceeding by Globalstar. In response, Iridium raised substantial and material questions of fact concerning the accuracy and relevance of Globalstar's representations about the effects of the earthquake and turmoil in financial markets.

Since the conclusion of the formal pleading cycle, Globalstar has had at least nine meetings and conversations with FCC staff. Counsel for Globalstar, following each of those meetings, has submitted little more than a single line statement that says "[t]he views expressed on behalf of Globalstar were consistent with those expressed in its previous filings with the Commission."⁴ Globalstar and Open Range also made three filings under confidentiality requests that provided no information in redacted form about the contents of the submission⁵ and

⁴ See, e.g., Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed June 11, 2010); Letter from Gregory J. Vogt, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed June 14, 2010); Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed June 25, 2010); Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed July 13, 2010); Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed July 15, 2010); Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed July 16, 2010); Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed July 19, 2010); Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed July 26, 2010); Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed Aug. 2, 2010).

⁵ See Open Range Communications, Inc. Request for Confidential Treatment, IBFS File No. SAT-MOD-20091214-00152 (filed June 4, 2010); Globalstar Licensee LLC Request for Confidential Treatment, IBFS File No. SAT-MOD-20091214-00152 (filed June 11, 2010);

one filing that provided some redacted information.⁶ The more recent filing that contains some redacted information suggests that Globalstar has been advancing new arguments and submitting new facts outside of the public record.

In the face of Globalstar's efforts to keep things in the dark, Iridium filed a request for public disclosure of any information raised in *ex parte* meetings and access under a protective order to any competitively significant information submitted by Globalstar or Open Range with confidentiality requests. Iridium is highly sensitive to the importance of FCC processes ensuring the protection of competitive information from access by competitors. In such respect, Iridium shares Globalstar's concern about use of "the Commission's regulatory process to obtain highly confidential information regarding the design, manufacture, and launch of its main competitor's . . . second generation satellite constellation."⁷ In response to the baseless assertions and unpersuasive legal arguments made in Globalstar's Opposition, however, three simple points must be made:

First, Globalstar asserted two bases for its request for modification of the mandatory deadlines set by the Commission: first, that adverse financial conditions hindered the company's ability to secure financing for its second generation satellite system; and second, that damage caused by the April 2009 earthquake in Italy had disrupted production of its satellites.⁸ In its Petition to Deny, Iridium provided evidence—including statements by both Globalstar and its

Globalstar Licensee LLC Request for Confidential Treatment, IBFS File No. SAT-MOD-20091214-00152 (filed June 22, 2010).

⁶ See Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBFS File No. SAT-MOD-20091214-00152 (filed July 30, 2010).

⁷ Globalstar Opposition at 1.

⁸ See Request for Modification at 1-2.

chosen satellite manufacturer Thales Alenia Space—undermining the factual underpinning of these claims, and challenged their sufficiency as bases for extension of the Commission’s deadlines.⁹ Any information submitted by Globalstar in support of the arguments advanced in its Request for Modification, or that address the arguments made by Iridium, would not likely include “highly confidential information regarding the design, manufacture, and launch” of Globalstar’s second-generation satellite constellation.¹⁰

Second, the pattern of seemingly seeking to evade required public disclosures about the nature of meetings and filings makes a broad request for inspection and disclosures necessary. Based on the nature of the Commission’s inquiries to Globalstar and the frequent *ex parte* meetings that Globalstar has had with Commission staff, it has become evident that Globalstar has advanced new grounds in support of its Request for Modification. Globalstar’s recent redacted filing, submitted after Iridium filed its Request for Access, makes clear that apart from the state of the financial markets and “independent of the earthquake there have been a series of *technical challenges* faced by Globalstar’s contractors that has caused a delay in the delivery of the satellites.”¹¹ Globalstar goes on to assert that the “delays in the manufacturing and delivery of thrusters as a result of problems incurred by a subcontractor . . . independently constitute good cause and justify the requested extension.”¹² By contrast, Globalstar’s original Request for Modification notes only that reduced cash flow levels delayed “work on certain key constellation components, such as satellite thrusters, on-board processors, and momentum wheels.”¹³ Given

⁹ See Iridium Petition to Deny at 3-8.

¹⁰ Globalstar Opposition at 1.

¹¹ Globalstar Response Public Version at 3 (emphasis added).

¹² *Id.* at 4.

¹³ Globalstar Request for Modification at 9.

that new information and arguments have been submitted, denying the public an opportunity to review and respond to these arguments fails to serve the public interest and contravenes the Commission's general policy favoring disclosure.

Third, a protective order or agreement is an established way to deal with legitimate concerns regarding competitively sensitive information. In order to facilitate resolution of the access issue, Iridium provided counsel for Globalstar and counsel for Open Range on Wednesday August 11, 2010 a draft protective agreement that tracks the model typically used in FCC proceedings and that includes the protections identified by Open Range in its response to Iridium's request for inspection.¹⁴ Iridium asked if Globalstar and Open Range would support use of the protective agreement and requested responses by noon today, Monday August 16, 2010. Counsel for Open Range informed Iridium's counsel on Friday August 13, 2010 that Open Range would support Iridium's request and the proposed protective agreement, with minor modifications. Iridium modified the draft protective order to incorporate the revisions provided by Open Range. On Monday August 16, 2010, Globalstar's counsel informed counsel for Iridium that Globalstar's position continues to be as stated on the record in Globalstar's Opposition. A copy of the draft protective order agreed to by Iridium and Open Range is appended to this Reply.¹⁵

Finally, contrary to Globalstar's assertions, a Freedom of Information Act ("FOIA") request pursuant to Section 0.461 of the Commission's rules would not prove to be an adequate remedy.¹⁶ Although, FOIA requests can be effective mechanisms for accessing important

¹⁴ See Open Range Response at 1-2.

¹⁵ See *infra* Appendix A.

¹⁶ See Globalstar Opposition at 5; 47 C.F.R. § 0.461.

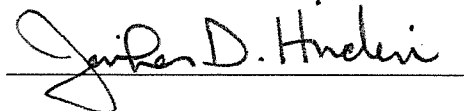
agency records, in this case, a FOIA request would not address the problem of insufficiently detailed *ex parte* disclosures. And a FOIA request does not provide the flexibility of a protective order, which facilitates timely and limited disclosure and would also create a framework for access to additional documents that may yet be filed.

In sum, Globalstar appears to have failed to comply with the *ex parte* rules and engaged in an effort to evade any public disclosure of new argument or new facts concerning its license modification and STA request. To remedy this situation and to ensure transparent decision making, the Commission must (1) provide public disclosure of all non-competitively sensitive information submitted in the course of the various *ex parte* meetings and written submissions; (2) adopt the appended draft protective order to enable Iridium's outside counsel not involved in competitive decision-making to review confidential information submitted to the Commission; and (3) defer action on the underlying application until Iridium has been afforded appropriate access to the submitted information and an opportunity to comment on the record.

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August 16, 2010

Respectfully submitted,



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APPENDIX A

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
GLOBALSTAR LICENSEE LLC)	File No. SAT-MOD-20091214-00152
)	
Application for Modification of License for)	
Operation of Ancillary Terrestrial Component)	
Facilities)	
)	
)	

PROTECTIVE ORDER

Adopted: August __, 2010

Released: August __, 2010

By the Chief, International Bureau:

1. On December 14, 2009, Globalstar Licensee LLC (the "Applicant") filed an application to modify conditions set forth in the Commission's 2008 Order,¹ which temporarily waived certain gating criteria to allow Globalstar to offer Mobile Satellite Service ("MSS") Ancillary Terrestrial Component ("ATC") service.²

2. The Commission has sought and received documents in this proceeding from the Applicant and others, including Open Range Communications, Inc. (each a "Submitting Party") that contain proprietary or confidential information, and therefore, such documents should be made available pursuant to a Protective Order. Consequently, the International Bureau ("Bureau") hereby adopts this Protective Order to ensure that any confidential or proprietary documents submitted by a Submitting Party are afforded adequate protection. This Protective Order does not constitute a resolution of the merits concerning whether any information submitted under the Protective Order would be released publicly by the Commission upon a proper request under the Freedom of Information Act ("FOIA") or otherwise.

3. *Acknowledgment.* Any party seeking access to confidential documents subject to the Protective Order shall request access pursuant to the terms of the Protective Order and must sign the Acknowledgement of Confidentiality, attached as Appendix A ("Acknowledgement").

4. *Definitions.* As used herein, capitalized terms not otherwise defined in this Protective Order shall have the following meanings:

¹ See *Globalstar Licensee LLC, Application for Modification of License for Operation of Ancillary Terrestrial Component Facilities, Order and Authorization*, 23 FCC Rcd 15975 (2008).

² *Globalstar Licensee LLC, Application for Modification of License for Operation of Ancillary Terrestrial Component Facilities, Call Sign S2115, Request for Modification of Waiver Conditions* (Filed Dec. 14, 2009) ("Globalstar ATC Modification Application").

“Stamped Confidential Document” means any document, or any part thereof, that bears the legend (or which otherwise shall have had the legend recorded upon it in a way that brings its attention to a reasonable examiner) “CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN IBFS File No. SAT-MOD-20091214-00152 before the Federal Communications Commission,” unless the Commission determines, *sua sponte* or by request pursuant to Sections 0.459 or 0.461 of its rules, that any such document is not entitled to confidential treatment. The term “document” means any written, recorded, electronically stored, or graphic material, whether produced or created by the Submitting Party or another person. By designating a document a “Stamped Confidential Document,” a Submitting Party signifies and represents that it contains information that the Submitting Party believes should be subject to protection under FOIA and the Commission’s implementing rules. Any document submitted to the Commission in this proceeding prior to the entry of this Protective Order and for which the Submitting Party has requested confidential treatment shall be considered a Stamped Confidential Document pursuant to the terms of this Protective Order whether or not such document bears the above-referenced legend.

“Confidential Information” means information contained in Stamped Confidential Documents or derived therefrom that is not otherwise available from publicly available sources;

“Outside Counsel of Record” means the firm(s) of attorneys, or sole practitioner(s), as the case may be, representing a party in these proceedings, *provided that*, the Outside Counsel of Record is not involved in competitive decision-making, *i.e.*, Outside Counsel of Record’s activities, association, and relationship with a client are not such as to involve such counsel’s advice and participation in any or all of the client’s business decisions made in light of similar or corresponding information about a competitor;

“Outside Consultants” means consultants or experts retained for the purpose of assisting Counsel or a party in this proceeding, provided that the Outside Consultants are not involved in competitive decision-making, *i.e.*, Outside Consultants’ activities, association, and relationship with a client do not involve advice about or participation in the business decisions of the client or any competitor of a Submitting Party nor the analysis underlying the business decisions; and

“Reviewing Party” means a person who has obtained access to Confidential Information (including Stamped Confidential Documents) pursuant to paragraphs 7 and 10 of this Protective Order.

5. *Submission of Stamped Confidential Documents.* Two copies of each document that a Submitting Party claims is confidential or proprietary (a “Confidential Document”) must be delivered in person to [] International Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. The documents shall be accompanied by a cover letter stating “CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN IBFS File No. SAT-MOD-20091214-00152 before the Federal Communications Commission.” Each page of the Confidential Filing shall be stamped with this legend as well. In addition, a Submitting Party shall file with the Secretary’s Office one copy of the Confidential Document and two copies of the Confidential Document in redacted form, *i.e.*, containing no Confidential Information (the “Redacted Confidential Document”). Each Redacted Confidential Document shall have the same pagination as the Confidential Document from which it is derived. The two copies of the Redacted Confidential Document and the accompanying cover letter shall be stamped “REDACTED – FOR PUBLIC INSPECTION.” Any document submitted in this proceeding prior to the entry of this Protective Order and for which the Submitting Party has requested confidential treatment shall be considered a Confidential Document submitted in accordance with this paragraph whether or not such document bears the legend described in paragraph 4 hereof.

6. *Prohibited Copying.* If, in the judgment of the Submitting Party, a document contains information so sensitive that it should not be copied by anyone, it shall bear the additional legend “Copying Prohibited,” and no further copies of such document, in any form, shall be made. Application

for relief from this restriction against further copying may be made to the Commission, with prior notice to Outside Counsel of Record for the Submitting Party.

7. *Procedures for Obtaining Access to Stamped Confidential Documents.* In all cases where access to Stamped Confidential Documents and Confidential Information is permitted pursuant to paragraph 10, before reviewing or having access to any Stamped Confidential Documents or Confidential Information, each person seeking such access shall execute a copy of the Acknowledgment and file it with the Bureau, on behalf of the Commission, and serve it upon each Submitting Party through its Outside Counsel of Record so that the Acknowledgment is received by each Submitting Party at least five business days prior to such person's reviewing or having access to the Submitting Party's Stamped Confidential Documents or Confidential Information, except that, where the person seeking access is one described in either clause 2, 3 or 4 of paragraph 10, the Acknowledgment shall be delivered promptly prior to the person's obtaining access. Each Submitting Party shall have an opportunity to object to the disclosure of Stamped Confidential Documents or Confidential Information to any such persons. Any objection must be filed at the Commission and served on Outside Counsel of Record representing, retaining or employing such person within three business days after receiving a copy of that person's Acknowledgment (or where the person seeking access is one described in clause 2, 3 or 4 of paragraph 10, such objection shall be filed and served as promptly as practicable after receipt of the relevant Acknowledgment). Until any such objection is resolved by the Commission and, if appropriate, any court of competent jurisdiction, and unless such objection is resolved in favor of the person seeking access, a person subject to an objection from a Submitting Party shall not have access to Stamped Confidential Documents or Confidential Information.

8. *Review of Stamped Confidential Documents.* The Submitting Party shall make available for review the Stamped Confidential Documents of such party at the offices of the party's Outside Counsel of Record. Parties reviewing these documents will be provided the following alternatives: (1) parties will be provided adequate opportunity to inspect the documents on site; (2) parties may inspect the documents on site with the ability to request copies, at cost, of all or some of the documents; or (3) parties may request a complete set of the documents at cost, allowing two business days after the request is made for receipt of the copies. If a complete set of documents will be requested, parties are encouraged to make such requests at the time they submit the Acknowledgment. This will allow parties the opportunity to begin reviewing the documents at the end of the five-day period referred to in paragraph 7 above. All copies of documents that are removed from the Submitting Party's office will be stamped as described above and in the following paragraph and must be returned or destroyed in accordance with the terms of this Protective Order.

9. *Use of Confidential Information.* Persons obtaining access to Confidential Information (including Stamped Confidential Documents) under this Protective Order shall use the information solely for the preparation and conduct of this application proceeding before the Commission as delimited in this paragraph and paragraphs 10, 14, and 15, and any subsequent judicial proceeding arising directly from this proceeding and, except as provided herein, shall not use such documents or information for any other purpose, including without limitation business, governmental, or commercial purposes, or in other administrative, regulatory or judicial proceedings. Should the Commission rely upon or otherwise make reference to the contents of any of the Stamped Confidential Documents or Confidential Information in its decision in this proceeding, it will do so by redacting any Confidential Information from the public version of the decision and by making the unredacted version of the decision available only to a court and to those persons entitled to access to Confidential Information under this Protective Order.

10. *Permissible Disclosure.* Subject to the requirements of paragraph 7, Stamped Confidential Documents may be reviewed by Outside Counsel of Record, and Outside Counsel of Record may disclose Stamped Confidential Documents and other Confidential Information to: (1) outside consultants or

experts retained for the purpose of assisting Outside Counsel of Record in this proceeding, *provided that*, the outside consultants or experts are not involved in the analysis underlying the business decisions of any competitor of any Submitting Party nor participate directly in those business decisions; (2) paralegals or other employees of such Outside Counsel of Record not described in clause 3 of this paragraph to the extent reasonably necessary to render professional services in this proceeding; (3) employees of such Outside Counsel of Record involved solely in one or more aspects of organizing, filing, coding, converting, storing, or retrieving documents or data or designing programs for handling data connected with this proceeding, or performing other clerical or ministerial functions with regard to documents connected with this proceeding; and (4) employees of third-party contractors performing one or more of the functions set forth in clause 3 of this paragraph under the supervision of Outside Counsel of Record. Reviewing Parties may discuss and share the contents of the Stamped Confidential Documents and Confidential Information with another Reviewing Party and with the Commission and its staff. A Submitting Party's Stamped Confidential Documents and Confidential Information may also be disclosed to employees and Outside Counsel of Record of the Submitting Party.

11. *Non-Disclosure of Stamped Confidential Documents.* Except with the prior written consent of the Submitting Party, or as provided under this Protective Order, neither a Stamped Confidential Document nor any Confidential Information may be disclosed further.

12. *Protection of Stamped Confidential Documents and Confidential Information.* Persons described in paragraphs 7 and 10 shall have the obligation to ensure that access to Stamped Confidential Documents and Confidential Information is strictly limited as prescribed in this Protective Order. Such persons shall further have the obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in this Protective Order; and (2) Stamped Confidential Documents are not duplicated except as necessary for filing at the Commission under seal as provided in paragraph 14 below.

13. *Requests for Additional Disclosure.* If any person requests disclosure of Confidential Information outside the terms of this Protective Order, requests will be treated in accordance with Sections 0.442 and 0.461 of the Commission's rules.

14. *Filings with the Commission.* Persons described in paragraph 7 and 10 may, in any documents that they file in this proceeding, reference Confidential Information, but only if they comply with the following procedure:

a. The cover or first page of the filing, and each page of the filing that contains or discloses Confidential Information subject to this order must be clearly marked: "CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN IBFS File No. SAT-MOD-20091214-00152 before the Federal Communications Commission;"

b. One copy of the filing shall be filed with the Secretary's Office. The filing shall be accompanied by a cover letter stating "CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN IBFS File No. SAT-MOD-20091214-00152 before the Federal Communications Commission." The filing shall be made under seal, and will not be placed in the Commission's public file.

c. Those portions of the filing that constitute Confidential Information shall be clearly identifiable as such, so that those portions that are deemed to be Confidential Information are readily identifiable based on an examination of the filing.

d. Two redacted copies of the filing containing no Confidential Information (the "Redacted Confidential Filing") shall also be filed with the Secretary's Office. Each Redacted Confidential Filing shall have the same pagination as the Confidential Filing from which it is derived. The two copies of the Redacted Confidential Filing and their accompanying cover letter shall be stamped "REDACTED – FOR PUBLIC INSPECTION." The cover letter accompanying the Redacted Confidential Filing shall state that the Submitting Party is filing a redacted version of the filing.

e. Two copies of the filing containing Confidential Information and the accompanying cover letter shall be delivered in person to [] International Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. In addition, a person making a filing containing Confidential Information shall serve a copy on the relevant Submitting Party.

f. Parties should not provide courtesy copies of pleadings containing Confidential Information to Commission staff unless the Bureau so requests. Any courtesy copies shall be submitted under seal.

15. *Client Consultation.* Nothing in this order shall prevent or otherwise restrict Outside Counsel of Record from rendering advice to their clients relating to the conduct of this proceeding and any subsequent judicial proceeding arising therefrom and, in the course thereof, relying generally on examination of Stamped Confidential Documents or Confidential Information; *provided, however*, that in rendering such advice and otherwise communicating with such client, Outside Counsel of Record shall not disclose Stamped Confidential Documents or Confidential Information.

16. *No Waiver of Confidentiality.* Disclosure of Confidential Information as provided herein by any person shall not be deemed a waiver by any Submitting Party of any privilege or entitlement to confidential treatment of such Confidential Information. Reviewing Parties, by viewing this material agree: (1) not to assert any such waiver; (2) not to use Confidential Information to seek disclosure in any other proceeding; and (3) that accidental disclosure of Confidential Information by a Submitting Party shall not be deemed a waiver of any privilege or entitlement as long as the Submitting Party takes prompt remedial action.

17. *Subpoena by Courts, Departments, or Agencies:* If a court, or a federal or state department or agency issues a subpoena or orders production of Stamped Confidential Documents or Confidential Information that a party has obtained under terms of this Protective Order, such party shall promptly notify each Submitting Party of the pendency of such subpoena or order. Consistent with the independent authority of any court, department or agency, such notification must be accomplished such that the Submitting Party has a full opportunity to oppose such production prior to the production or disclosure of any Stamped Confidential Document or Confidential Information.

18. *Violations of Protective Order.* Should a person that has properly obtained access to Confidential Information under this Protective Order violate any of its terms, that person shall immediately convey that fact to the Commission and to the Submitting Party. Further, should such violation consist of improper disclosure of Confidential Information, the violating person shall take all necessary steps to remedy the improper disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of Outside Counsel of Record from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential Information in this or any other Commission proceeding. Nothing in this Protective Order shall limit any other rights and remedies available to the Submitting Party at law or in equity against any person using Confidential Information in a manner not authorized by this Protective Order.

19. *Termination of Proceeding.* The provisions of this Protective Order shall not terminate at the conclusion of this proceeding. Within two weeks after conclusion of this proceeding and any administrative or judicial review, persons described by paragraph 10 shall destroy or return to the Submitting Party Stamped Confidential Documents and all copies of the same. No material whatsoever derived from Stamped Confidential Documents may be retained by any person having access thereto. All Outside Counsel of Record shall make certification of compliance herewith and shall deliver the same to Outside Counsel of Record for the Submitting Party not more than three weeks after conclusion of this proceeding.

20. *Authority.* This Order is issued pursuant to Sections 4(i), 214(a) and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 214(a) and 310(d), Section 2 of the Cable Landing Act, 47 U.S.C. § 35, Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under Section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon its adoption.

FEDERAL COMMUNICATIONS COMMISSION

Mindel De La Torre
Chief, International Bureau

APPENDIX A

Acknowledgment of Confidentiality

File No. SAT-MOD-20091214-00152

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Outside Counsel of Record or consultant to a party or other person described in paragraph 4 of the foregoing Protective Order and that I will not use such information in any other capacity, nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of Outside Counsel of Record in paragraph 4 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at _____ this ____ day of _____, ____.

[Name]
[Position]
[Address]
[Telephone]

CERTIFICATE OF SERVICE

I, Jennifer D. Hindin, certify that on this 16th day of August, 2010, a copy of the foregoing Request was sent via hand delivery to the following persons (unless another delivery method is specified):

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* Denotes service by email.