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

FILED/ACCEPTED

JUL 28 2010

Federal Communications Commission
Office of the Secretary

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)	

REQUEST FOR ACCESS TO INFORMATION AND PROTECTIVE ORDER

Iridium Satellite LLC (“Iridium”), by its attorneys and pursuant to Section 1.41 of the rules of the Federal Communications Commission (“Commission”),¹ requests appropriate access to all information provided by Globalstar Licensee LLC (“Globalstar”) and Open Range Communications, Inc. (“Open Range”) in the above-captioned application that has not yet been publicly disclosed. To the extent the information requires confidential treatment,² the Commission should provide access to interested parties pursuant to a protective order. Iridium also respectfully requests that the Commission defer action on Globalstar’s application until all information has been properly disclosed and Iridium has had the opportunity to review and comment upon the entirety of the record in this proceeding.

Iridium fully understands and endorses the importance of providing confidential treatment to commercially sensitive information. Effective performance of the Commission’s duties requires it at times to request information from parties that should be protected due to competitive and financial concerns. Equally important, however, is the right of the public and

¹ See 47 C.F.R. § 1.41.

² See 47 C.F.R. § 0.459.

other interested parties to participate in a meaningful way in Commission proceedings. In the instant proceeding, Globalstar has made numerous *ex parte* presentations to FCC staff while only providing minimal disclosure as to the nature and content of the meetings, and both Globalstar and Open Range have filed written submissions that have been subject to all-encompassing requests for confidential treatment. Iridium, by virtue of its Petition to Deny,³ is a party to this proceeding, and the public interest requires that it receive access to this information and the opportunity to respond to all relevant information.

Globalstar's Ex Parte Presentations to FCC Staff. In the past seven weeks, Globalstar has submitted nine *ex parte* letters disclosing meetings and telephone calls with various Commission and International Bureau staff. In each of these, it has disclosed little more than that “[t]he views expressed on behalf of Globalstar in connection with each of these proceedings were consistent with those expressed in its previous filings with the Commission.”⁴ The participants at these meetings varied, with some Commission and Bureau staff members meeting multiple times with representatives from Globalstar. The number and variety of the meetings and telephone calls raise a legitimate question as to whether any new or different information should have been included in the record of this proceeding. The Commission’s rules require that a person who makes an oral *ex parte* presentation must file a summary of any “data or arguments not already reflected in that person’s written comments, memoranda or other filings in the

³ See Petition to Deny of Iridium Satellite LLC, IBFS File No. SAT-MOD-20091214-00152 (filed April 5, 2010).

⁴ See, e.g., Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBS 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, IBS 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, IBS File No. SAT-MOD-20091214-00152 (filed July 15, 2010).

proceeding.”⁵ As the Commission has repeatedly stressed, in the context of *ex parte* disclosures, “[g]enerally, more than a one or two sentence description is required.”⁶ The Commission should review these filings and its records from the corresponding meetings to ensure that all appropriate information has been disclosed.

Written Submissions by Globalstar and Open Range. Moreover, three filings, including two Globalstar responses to Commission requests for information, and one letter submitted by Open Range, have been filed with requests that the Commission treat the entire filing as confidential.⁷ Iridium expects at least one more such filing to appear soon in response to the Commission’s July 20, 2010 letter to Open Range. Contrary to common practice, no redacted versions of these filings have been posted on the International Bureau Filing System (“IBFS”), thus implying that every word of every sentence contained commercially sensitive information. The confidentiality requests submitted to the record did not disclose the nature of the filing or any summary of the underlying information. Under these circumstances, there is simply no way for the public to determine whether this information was properly treated as confidential.

Iridium is a party to this proceeding, and the facts and discussions in the various *ex parte* meetings and written submissions are potentially highly relevant to the issues raised in Iridium’s Petition to Deny. However, Iridium has received virtually no information related to these events,

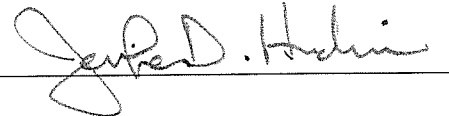
⁵ 47 C.F.R. § 1.1206(b)(2).

⁶ See, e.g., Commission Emphasizes the Public’s Responsibilities In Permit-But-Disclose Proceedings, *Public Notice*, FCC 00-358, 15 FCC Rcd 19945 (2000).

⁷ See Letter from Samir C. Jain, Counsel to Globalstar Licensee LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, IBS File No. SAT-MOD-20091214-00152 (filed June 22, 2010); Letter from Joe D. Edge, Counsel to Open Range Communications Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, IBS File No. SAT-MOD-20091214-00152 (filed June 4, 2010). At the time of this filing, neither Globalstar’s response to the Commission second request for information nor its request for confidentiality was available online via the International Bureau Filing System (“IBFS”).

and has no reasonable basis upon which to respond. As such, Iridium requests that the Commission (1) provide access to all non-competitively sensitive information submitted in the course of the various *ex parte* meetings and written submissions; (2) adopt a protective order to enable Iridium counsel not involved in competitive decision-making to review competitively sensitive 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.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer D. Hindin", is written over a horizontal line.

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July 28, 2010

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CERTIFICATE OF SERVICE

I, Jennifer D. Hindin, certify that on this 28th day of July, 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.