

LAW OFFICES  
**BLOOSTON, MORDKOFKY, DICKENS, DUFFY & PRENDERGAST, LLP**  
2120 L STREET, NW, SUITE 300  
WASHINGTON, DC 20037

HAROLD MORDKOFKY  
BENJAMIN H. DICKENS, JR.  
JOHN A. PRENDERGAST  
GERARD J. DUFFY  
RICHARD D. RUBINO  
MARY J. SISAK  
D. CARY MITCHELL  
SALVATORE TAILLEFER, JR.

(202) 659-0830  
FACSIMILE: (202) 828-5568

AFFILIATED SOUTH AMERICAN OFFICES

ESTUDIO JAUREGUI & ASSOCIATES  
BUENOS AIRES, ARGENTINA

ROBERT M. JACKSON  
OF COUNSEL

PERRY W. WOOFER  
LEGISLATIVE CONSULTANT

EUGENE MALISZEWSKYJ  
DIRECTOR OF ENGINEERING

March 14, 2011

ARTHUR BLOOSTON  
1914 - 1999

FILED/ACCEPTED

MAR 14 2011

Federal Communications Commission  
Office of the Secretary

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

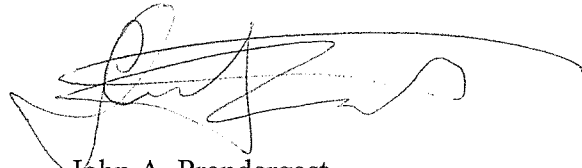
**Re: LightSquared Subsidiary LLC Request for Modification of its Authority for an  
Ancillary Terrestrial Component  
File No SAT-MOD-2010118-00239  
Application for Review**

Dear Ms. Dortch:

The Alarm Industry Communications Committee, by its attorneys and pursuant to section 1.115 of the Commission's Rules, hereby submits an original plus four copies of the Comments of the Alarm Industry Communications Committee on the Applications for Review to be filed in the above captioned proceeding.

If you have any questions regarding this matter please don't hesitate to contact us.

Sincerely,



John A. Prendergast  
Salvatore Taillafer, Jr.  
Attorneys for  
Alarm Industry Communications Committee

/encl

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FILED/ACCEPTED

MAR 14 2011

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
)  
**LightSquared Subsidiary LLC** ) SAT-MOD-20101118-00239  
) Call Sign: S2358  
Request for Modification of its Authority )  
for an Ancillary Terrestrial Component )  
)

To: The Commission

**COMMENTS OF THE ALARM INDUSTRY COMMUNICATIONS  
COMMITTEE**

The Alarm Industry Communications Committee (“AICC”), on behalf of its members and pursuant to Section 1.115(d) of the Commission’s rules, hereby submits these comments on the Applications for Review<sup>1</sup> filed by several parties with regard to the Order and Authorization (the “Order”)<sup>2</sup> granting LightSquared Subsidiary, LLC (“LightSquared”) a conditional waiver of the Ancillary Terrestrial Component integrated service rule. Although AICC applauds the Commission’s efforts to establish an industry working group to address any interference that may be caused by the LightSquared operation to global positioning system (“GPS”) devices, AICC agrees with the US GPS Industry Council (“the Council”) that the Order does not appropriately safeguard against

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<sup>1</sup> US GPS Industry Council Application for Review, *LightSquared Subsidiary LLC Application for Modification of Authority for Ancillary Terrestrial Component*, File No. SAT-MOD-20101118-00239, filed February 25, 2011; American Congress on Surveying and Mapping Application for Review; Application for Review of Aviation Spectrum Resources, Inc.; Lockheed Martin Application for Review; General Aviation Manufacturers Association Application for Review.

<sup>2</sup> *In the Matter of LightSquared Subsidiary LLC Application for Modification of Authority for Ancillary Terrestrial Component*, File No. SAT-MOD-20101118-00239, Order and Authorization, DA 11-133, released January 26, 2011.

interference to GPS devices. AICC urges the Commission to require LightSquared to *eliminate any interference* identified in the reports produced by the working group before it can begin offering commercial service pursuant to the waiver, and to ensure that a system is in place to deal with any future interference. Further, AICC urges the Commission to promote government transparency by ensuring not only that the progress reports are made public, but also that the public is given a meaningful chance to participate in determining whether the issues raised in the reports are satisfactorily resolved.

AICC is comprised of representatives of the Central Station Alarm Association (CSAA), Electronic Security Association (ESA),<sup>3</sup> Bosch Security Systems, Digital Monitoring Products, Digital Security Control, Telular Corp, Stanley Convergent (alarm division, formerly known as Honeywell Monitoring), Honeywell Security, Vector Security, Inc., ADT Security Services, Inc., AES- IntelliNet, Alarm.com, Bay Alarm, Intertek Testing, RSI Videofied, Security Network of America, United Central Control, Security Industry Association (SIA), AFA Protective Systems, Vivint (formerly APX Alarm), COPS Monitoring, DGA Security, Security Networks, Universal Atlantic Systems, Axis Communications, Interlogix, LogicMark, Napco Security, and the Underwriters Laboratories.

ESA and CSAA, representing the alarm dealer segment, have 2434 member companies providing alarm service to the public. AICC member companies protect a

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<sup>3</sup> CSAA and ESA are associations comprised of central station alarm companies, alarm monitoring centers, alarm installation companies and alarm manufacturing companies. Their memberships represent the majority of such companies operating in the United States.

wide range of sensitive facilities and their occupants from fire, burglaries, sabotage and other emergencies. Protected facilities include government offices, power plants, hospitals, dam and water authorities, pharmaceutical plants, chemical plants, banks, schools and universities. In addition to these commercial and governmental applications, alarm companies protect a large and ever increasing number of residences and their occupants from fire, intruders, and carbon monoxide poisoning. Alarm companies also provide medical alert services for obtaining ambulances in the event of medical emergencies.

The alarm industry, like most industries that have fleets of vehicles, uses GPS devices to track guards sent to respond to alarms, as well as service and installation personnel. Moreover, a number of alarm companies and other entities use GPS for direct security operations, such as tracking of executive vehicles, containers of sensitive cargo, armored cars, etc. Because of these activities, AICC's members would be adversely affected by the widespread proliferation of devices that may cause interference to GPS-enabled devices. AICC did not participate in the proceeding below because this proceeding was conducted using an abbreviated schedule that included the Thanksgiving holiday; and the GPS interference issue was not highlighted in the LightSquared filing that is at the center of the above-captioned proceeding. Instead, this issue was raised by satellite industry insiders such as the US GPS Industry Council and Garmin, in comments filed during the abbreviated cycle. Indeed, significant comments about the interference issues and the planned working group procedure were submitted by the US GPS Industry

Council to the Commission during a January 25, 2011 meeting, just a day before the Order was issued.<sup>4</sup>

AICC shares the concerns express by the petitioners in their respective Applications for Review. The Bureau's prohibition on commercial services pending the completion of the testing and reporting process outlined in the Order simply does not go far enough to protect GPS devices and the services that use them from harmful interference.<sup>5</sup> LightSquared must be *required to eliminate* all interference to GPS devices that occurs as a result of its operation, now and in the future. The Order, to its credit, mandated the creation of an industry working group to identify and report on potential interference to GPC devices that may be caused by LightSquared's operation<sup>6</sup> and instructed that the working group process will only be complete "once the Commission, after consulting with NTIA, concludes that the harmful interference concerns have been resolved."<sup>7</sup> And it appears that LightSquared to its credit has cooperated in the formulation of these procedures. These steps do much to allay AICC's concerns. However, the wording of the Order ("that the harmful interference concerns have been resolved") is somewhat vague; the Commission must be clear in mandating that any interference to GPS devices must be avoided or eliminated.

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<sup>4</sup> Notice of Written *Ex Parte* Presentation, *LightSquared Subsidiary LLC Application for Modification of Authority for Ancillary Terrestrial Component*, File No. SAT-MOD-2010118-00239, filed January 27, 2010.

<sup>5</sup> *Council* at 18.

<sup>6</sup> *Order* at ¶¶41-43.

<sup>7</sup> *Order* at ¶43.

As released, the Commission's Order provides no explanation of what criteria it will use to measure whether the concerns addressed in the reports are 'resolved' to the point of allowing LightSquared to begin offering commercial service, and it is not clear whether there is a level of interference the Commission is willing to tolerate.<sup>8</sup> The subsequent February 25, 2011 Bureau Letter<sup>9</sup> does little to clarify this particular point. Indeed, as Aviation Spectrum Resources points out, nothing in the Order or the Bureau Letter requires LightSquared to resolve any interference issues before its network is built.<sup>10</sup> Is the Commission willing to strand billions of dollars in investment by LightSquared in the event that it is impossible to eliminate GPS interference? Further, the Order offers nothing to ensure that there will be a process for resolving interference issues going forward. As technologies and services continue to rapidly evolve, it is necessary to ensure that a means to resolve future interference exists, so that such issues are resolved quickly and efficiently. Therefore, AICC requests the Commission to clarify that the interference concerns are not considered 'resolved' unless they are fully eliminated.

Furthermore, the Commission should ensure that the reports created by the working group, including the June 15 final report, are made publically available in a timely fashion, as soon after they are produced as possible, and should institute a notice-and-comment style proceeding concerning the reports so that members of the public have the opportunity to ensure their concerns are addressed. The Bureau Letter purports to

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<sup>8</sup> See also, *Deere & Company* at 18.

<sup>9</sup> Letter, *International Bureau and office of Engineering and technology of Federal Communications Commission*, File No. SAT-MOD-2010118-00239, February 25, 2011. ("Bureau Letter").

<sup>10</sup> *Aviation Spectrum Resources, Inc.*, at 8.

address these issues but again comes up short of providing full assurances. As an initial matter, the working group itself simply does not provide a legitimate opportunity for public participation. As Deere & Company note in its related Petition for Reconsideration, LightSquared is “responsible for selecting appropriate participants”, yet “not required to obtain participation of any particular organization or individual.”<sup>11</sup> What is more, although the letter indicates that “LightSquared should file its reports in the public record of the Commission’s proceeding and interested parties may comment on them,”<sup>12</sup> it does not clearly spell out a timetable for the release of such reports. Likewise, the letter does not obligate the Commission to provide any response to these invited comments, nor any explanation for its ultimate decision, in the form of a report and order.

The decision as to whether the GPS interference concerns are “resolved” should go beyond a closed-doors conference with NTIA. The Commission should allow industry participants the opportunity to provide their insight into the interference problem. This would also help to achieve the Commission’s goal of increased government transparency by giving members of the public who are affected by the Commission’s decision the opportunity to review and understand the factors which the Commission will be considering in issuing a final action,<sup>13</sup> and to voice their concerns in light of thoroughly examined data. The AICC is confident that the working group will be able to identify and address many interference concerns. However, given the widespread and growing use of

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<sup>11</sup> February 25, 2011 Petition for Reconsideration of *Deere & Company* at 18.

<sup>12</sup> Bureau Letter at 3.

<sup>13</sup> See, e.g., *National Broadband Plan: Connecting America*, Chapter 15: Civic Engagement, (stating, “[o]pen and transparent governance is central to democratic values. In order for government to be accountable to the public, it must share the results of its policies with the public as well as the processes by which those results are achieved. Ultimately, democracy rests on the ability of the people to evaluate the performance of their government in order to make informed electoral decisions.”)

GPS technology, it is not reasonable to expect it to identify and address every issue; and it is not reasonable to expect every individual or entity with a perspective on the situation to join the working group. In this regard, LightSquared's obligations must extend beyond the dissolution of the working group and issuance of a final report. LightSquared should be required to eliminate all GPS interference it causes in the future.

GPS devices are now finely interwoven in modern society. In addition to the myriad of services provided by the industry participants filing Applications for Review in this proceeding,<sup>14</sup> most smart phones possess GPS capabilities, which not only allow for navigation, but also E911 services. Most drivers routinely rely on GPS devices in their cars every day, and many emergency services depend on GPS information to function. Many of these applications are not mundane services that can tolerate some interference. AICC relies on GPS devices to track guards and other personnel that may be in harm's way, and telematic services such as the OnStar service utilize GPS data to direct emergency responders to persons in distress, including those who have been in an automobile accident serious enough to activate the vehicle's airbags. GPS service has been called "integral to U.S. national security, economic growth, transportation safety, and homeland security ..."<sup>15</sup>

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<sup>14</sup> See, eg. *Lockeed Martin* at 2-3.

<sup>15</sup> Comments of the US GPS Industry Council, *In the Matter of Fixed and Mobile Services in the Mobile Satellite Service Bands*, ET Docket No. 10-142, filed September 15, 2010 at page 4-5 (citing the NSPD-39: U.S. Space-Based Position, Navigation, and Timing Policy, released December 15, 2004).



Furthermore, the applications of GPS technology are increasing rapidly. The City of Pittsburgh recently launched a pilot program to track sex offenders via GPS.<sup>16</sup> High-schools in California are beginning to use GPS to track truant students, which truancy the state estimates costs \$35 per student per day.<sup>17</sup> North Carolina has begun using GPS to reduce bicycle theft, a major source of crime on college campuses.<sup>18</sup> “Several such products are already on the market, with many more still in development stages ... including a device for children with special needs or adults with dementia or Alzheimer's disease who may wander away from home.”<sup>19</sup> The Commission itself recently noted the vital importance of GPS-enabled devices in allowing public safety personnel to find victims of accidents, crimes and medical emergencies. To this end, the Commission has launched a significant Enforcement Bureau effort to crack down on the use of cell phone jamming devices, making the following observation<sup>20</sup>:

While people who use jammers may think they are only silencing disruptive conversations or disabling unwanted GPS capabilities, they could also be preventing a scared teenager from calling 9-1-1, an elderly person from placing an urgent call to a doctor, or a rescue team from homing in on the location of a severely injured person. The price for one person's moment of peace or privacy could be the safety and well-being of others.

If interference is caused to the GPS devices in cell phones, OnStar systems, vehicle navigation systems and criminal tracking devices, many persons will likewise be

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<sup>16</sup> Pilot Program Uses GPS Technology to Track Sex Offenders, CBS Pittsburgh, available at: <http://pittsburgh.cbslocal.com/2011/01/10/pilot-program-uses-gps-technology-to-track-sex-offenders/>, last visited February 22, 2011.

<sup>17</sup> Carpenter, Eric. Kids who Skip School are Tracked by GPS. Orange County Register, available at: <http://www.ocregister.com/articles/school-288730-students-program.html>, last visited February 22, 2011.

<sup>18</sup> NC State Uses GPS Tracking Device to Catch Bike Thieves, WRAL North Carolina, available at <http://www.wral.com/news/local/story/9124949/>, last visited February 22, 2011.

<sup>19</sup> *Id.*

<sup>20</sup> See FCC Enforcement Advisory, DA 11-249, released February 9, 2011(threatening a fine of \$112,500 for a single cell phone jammer violation); News Release, “FCC Steps Up Education and Enforcement Efforts Against Cellphone and GPS Jamming”, released February 9, 2011.

placed in jeopardy. Therefore, at minimum, an open working group procedure with opportunity for public comment is necessary to ensure that the Commission is able to identify and address the relevant interference issues. In addition, because of the widespread and important impact of GPS on so many of society's activities, AICC agrees with the US GPS Industry Council that the issue of interference to GPS devices from technologies such as the LightSquared system should be incorporated into a general rule making, such as the proceeding in ET Docket No. 10-142.<sup>21</sup>

### **Conclusion**

When it comes to public safety, the only acceptable interference level is zero. However, unless the Commission makes clear that LightSquared must eliminate all interference concerns, and provides the public a full opportunity to review the working group's findings and to comment thereupon to further inform the Commission in its decision, it is possible that LightSquared's operations could negatively impact the safety of the public.

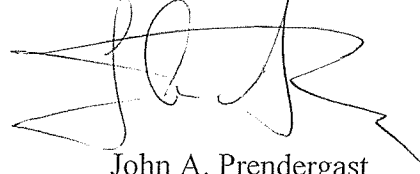
For the forgoing reasons, AICC concurs with the Applications for Review filed in this proceeding, and respectfully requests that the Commission to grant the relief requested therein.

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<sup>21</sup> See Comments of the US GPS Industry Council, *LightSquared Subsidiary LLC Application for Modification of Authority for Ancillary Terrestrial Component*, File No. SAT-MOD-2010118-00239, at page 4.

Respectfully submitted,

**ALARM INDUSTRY  
COMMUNICATIONS COMMITTEE**

A handwritten signature in black ink, appearing to read 'John A. Prendergast', written over a horizontal line.

John A. Prendergast  
Salvatore Taillefer, Jr.  
Its Attorneys

Blooston, Mordkofsky, Dickens,  
Duffy & Prendergast, LLP  
2120 L Street, N.W.  
Suite 300  
Washington, D.C. 20037  
Tel: 202-828-5540

Filed: March 14, 2011

## Certificate of Service

I hereby certify that on the 14<sup>th</sup> day of March, 2011, a copy of the foregoing Comments of the Alarm Industry Communications Commission was sent via U.S. Mail, first class, postage prepaid, or via email, as indicated, to the following:

Julius Genachowski, Chairman  
Federal Communications Commission  
445 12th Street SW, Room 8-B201  
Washington, DC 20554  
E-Mail: [julius.genachowski@fcc.gov](mailto:julius.genachowski@fcc.gov)

John Giusti  
Legal Advisor to Commissioner Copps  
445 12th Street SW, Room 8-B115  
Washington, DC 20554  
E-Mail: [john.giusti@fcc.gov](mailto:john.giusti@fcc.gov)

Michael J. Copps, Commissioner  
Federal Communications Commission  
445 12th Street SW, Room 8-B115  
Washington, DC 20554  
E-Mail: [michael.copps@fcc.gov](mailto:michael.copps@fcc.gov)

Angela Giancarlo  
Legal Advisor to Commissioner  
McDowell  
445 12th Street SW, Room 8-C302  
Washington, DC 20554  
E-Mail: [angela.giancarlo@fcc.gov](mailto:angela.giancarlo@fcc.gov)

Robert M. McDowell, Commissioner  
Federal Communications Commission  
445 12th Street SW, Room 8-C302  
Washington, DC 20554  
E-Mail: [robert.mcdowell@fcc.gov](mailto:robert.mcdowell@fcc.gov)

Louis Peraertz  
Legal Advisor to Commissioner Clyburn  
445 12th Street SW, Room 8-A302  
Washington, DC 20554  
E-Mail: [louis.peraertz@fcc.gov](mailto:louis.peraertz@fcc.gov)

Mignon Clyburn, Commissioner  
Federal Communications Commission  
445 12th Street SW, Room 8-A302  
Washington, DC 20554  
E-Mail: [mignon.clyburn@fcc.gov](mailto:mignon.clyburn@fcc.gov)

Charles Mathias  
Legal Advisor to Commissioner Baker  
445 12th Street SW, Room 8-A204  
Washington, DC 20554  
E-Mail: [charles.mathias@fcc.gov](mailto:charles.mathias@fcc.gov)

Meredith Attwell Baker, Commissioner  
Federal Communications Commission  
445 12th Street SW, Room 8-A204  
Washington, DC 20554  
E-Mail: [MeredithAttwell.Baker@fcc.gov](mailto:MeredithAttwell.Baker@fcc.gov)

Best Copy and Printing, Inc. (BCPI)  
Portals II  
445 12th Street, S.W., Room CY-B402,  
Washington, D.C. 20554  
Email: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)

Rick Kaplan  
Legal Advisor to Chairman  
Genachowski  
445 12th Street SW, Room 8-B201  
Washington, DC 20554  
E-Mail: [rick.kaplan@fcc.gov](mailto:rick.kaplan@fcc.gov)

Jeffrey J. Carlisle  
Executive Vice President  
Regulatory Affairs & Public Policy  
LightSquared  
10802 Parkridge Boulevard  
Reston, VA 20191

Raul R. Rodriguez  
Lerman Senter PLLC  
Counsel for US GPS Industry Council  
2000 K Street NW  
Suite 600  
Washington, DC 20006

James L. Casey  
Deputy General Counsel  
Air Transport Association of America  
1301 Pennsylvania Ave, NW  
Washington, DC 20004

M. Anne Swanson  
Dow Lohnes PLLC  
Counsel to Garmin International  
1200 New Hampshire Ave, NW  
Suite 800  
Washington, DC 20008

Howard J. Symons  
Mintz, Levin, Cohn, Ferris, Glovsky, &  
Popeo, PC  
701 Pennsylvania Ave, NW  
Suite 900  
Washington, DC 20004

Catherine Wang  
Bingham McCutchen, LLP  
Counsel for Deere & Company  
2020 K Street NW  
Washington DC, 20006

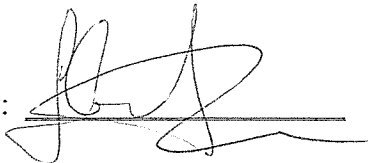
Curtis W. Sumner, LS  
Executive Director  
American Congress on Surveying and  
Mapping  
6 Montgomery Village Avenue  
Suite #403  
Gaithersburg, MD 20879

Kris Hutchison  
President  
Aviation Spectrum Resources, Inc.  
2551 Riva Road  
Annapolis, MD 21401

Jennifer Warren  
Vice President  
Technology Policy & Regulation  
Lockheed Martin Corporation  
2121 Crystal Drive, Ste 100  
Arlington, VA 22202

Jens Hennig  
Vice President, Operations  
General Aviation Manufacturers  
Association  
1400 K Street NW #801  
Washington, DC 20005

By:



Salvatore Taillefer, Jr.

Blooston, Mordkofsky, Dickens, Duffy, & Prendergast, LLP  
2120 L Street NW, Suite 300  
Washington, DC 20037