

TB Docket 11-109

May XX, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

S2358 SAT-MOD-20101118-00239 IB2010003539
LightSquared Subsidiary LLC

Dear Mr. Chairman:

We write to express concern about a conditional waiver that was granted by the International Bureau in January 2011 after an abbreviated public-notice process.

The exclusive waiver, for a company named LightSquared Subsidiary LLC, would waive the integrated service rule for its L-Band Mobile Satellite Service license. As a result, LightSquared would be allowed to dramatically expand the terrestrial use of satellite spectrum that neighbors Global Positioning System (GPS) spectrum. This action has serious implications for all GPS technologies, and could negatively impact millions of Americans. Unfortunately, the FCC has recklessly fast-tracked the waiver process without undertaking appropriate transparent procedures. The Commission has called on a working group to investigate and report on the potential for GPS interference by June 15. Accordingly, we request that the Commission only approve LightSquared's waiver if it can be indisputably proven that there will be no GPS interference.

LightSquared intends to build 40,000 high-powered ground transmission stations, which would transmit radio signals one billion times more powerful than GPS signals. Since the intended spectrum usage is immediately adjacent to GPS spectrum, it could lead to severe interference that effectively renders the technology useless. Such interference would have devastating effects on the United States military, emergency responders, aviation, agricultural producers, cellular telecommunications companies, homeland security, transportation, forestry, engineering and construction, land management, disaster management, natural resources, utilities, and individual consumers who rely on GPS for everyday needs.

General William Shelton, the head of the U.S. Air Force Space Command, recently said, "Within three to five miles on the ground and within twelve miles in the air, GPS is jammed by those towers... If we allow that system to be fielded and it does indeed jam GPS, think about the impact. We're hopeful we can find a solution, but physics being physics we don't see a solution right now. LightSquared has got to prove that they can operate with GPS and we're hoping the FCC does the right thing."

With such significant potential consequences, the FCC should have conducted in-depth studies on the consequences of reallocating the spectrum *prior* to issuing the conditional waiver. Such

an approach would have allowed for significant public comment by all stakeholders. Instead, the FCC granted the waiver with the intention of subsequently testing the effects of repurposing the spectrum. We are concerned that the brief study period arranged by the FCC following the issuance of the conditional waiver does not allow for nearly the consideration necessary for such a far-reaching decision.

Final approval should only be granted if LightSquared can indisputably demonstrate non-interference on GPS usage. We urge the full Commission to weigh in on this matter and allow for additional public comment moving forward. It is incumbent upon LightSquared to unequivocally prove that the proposal will not interfere with GPS spectrum.

We look forward to your prompt response on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Dale Royce". The signature is written in a cursive style with a large, stylized initial "D".

CC: The Honorable Robert Gates, Secretary, Department of Defense
 The Honorable Janet Napolitano, Secretary, Department of Homeland Security
 The Honorable Gary Locke, Secretary, Department of Commerce
 The Honorable Tom Vilsack, Secretary, Department of Agriculture
 The Honorable Ken Salazar, Secretary, Department of Interior
 The Honorable Ray LaHood, Secretary, Department of Transportation