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**REDACTED FOR PUBLIC INSPECTION – SUBJECT TO
REQUEST FOR CONFIDENTIAL TREATMENT
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

August 19, 2014

VIA ELECTRONIC FILING

Mindel De La Torre
Chief, International Bureau
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

Re: IBFS File No. SAT-MOD-20130314-00030 – Call Sign S2115
Request for Confidential Treatment of Globalstar Licensee LLC

Dear Ms. De La Torre:

Pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ Globalstar Licensee LLC (“Globalstar”) hereby requests confidential treatment for the information that has been redacted in the attached *Supplemental Information for Application of Globalstar Licensee LLC to Modify Authorization to Extend the License Term of NGSO Space Station License* submitted in response to a request from the FCC’s International Bureau (“Globalstar Information”). The Globalstar Information relates to Globalstar’s provision of Mobile Satellite Services (“MSS”) and includes company-specific, highly confidential and/or proprietary commercial information, including operational and technical data that are

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure “to any extent not authorized by law” of “information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association”).

protected from disclosure by FOIA Exemption 4² and the Commission's rules protecting information that is not routinely available for public inspection and that would customarily be guarded from competitors.³

1. *Identification of the specific information for which confidential treatment is sought.* Globalstar requests that all of the redacted information contained in the Globalstar Information be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission's rules, which protect confidential commercial and other information not routinely available for public inspection. The Globalstar Information concerns the operations of Globalstar's first-generation satellites. This is company-specific, competitively-sensitive, business confidential and/or proprietary commercial information concerning Globalstar's satellite operations that would not routinely be made available to the public, and has been carefully guarded from competitors. If it were were disclosed, Globalstar's competitors could use it to determine information regarding Globalstar's competitive position, operations, and performance, and could use that information to gain a competitive advantage over Globalstar.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* This information is submitted in response to a request for information from International Bureau staff in the context of the Bureau's review of Globalstar's application to modify its NGSO space station authorization to extend the license term.

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Globalstar Information contains company-specific, competitively-sensitive, confidential and/or proprietary, commercial, technical, and operational information.⁴ This information can be used to determine information about Globalstar's MSS operations that is sensitive for competitive and other

² 5 U.S.C. § 552(b)(4).

³ 47 C.F.R. §§ 0.457(d) and 0.459.

⁴ The Commission has broadly defined commercial information, stating that “[c]ommercial’ is broader than information regarding basic commercial operations, such as sales and profits; it includes information about work performed for the purpose of conducting a business’s commercial operations.” *Southern Company Request for Waiver of Section 90.629 of the Commission’s Rules*, Memorandum Opinion and Order, 14 FCC Red 1851, 1860 (1998) (citing *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).

reasons. This information would not customarily be made available to the public and customarily would be guarded from all others, especially competitors. Competitors could use the information to enhance their market position at Globalstar's expense.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates to the provision of MSS, which is subject to vigorous competition from other mobile communications providers. If the information is not protected, Globalstar's competitors will be able to use it to their competitive advantage.⁵

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* Since this type of information generally would not be subject to public inspection and would customarily be guarded from competitors, the Commission's rules recognize that release of the information is likely to produce competitive harm. Disclosure could cause substantial competitive harm because Globalstar's competitors could assess aspects of Globalstar's commercial operations, technologies, and business strategies and could use that information to undermine Globalstar's competitive position. If competitors or customers had access to this information, it could negatively affect Globalstar's future negotiations with potential and existing customers.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Globalstar Information is not available to the public, and has not otherwise been disclosed previously to the public. Globalstar routinely treats this information as highly confidential and/or proprietary. Globalstar assiduously guards against disclosure of this information to others.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Globalstar requests that the Globalstar Information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

⁵ Indeed, for this reason, Globalstar's primary competitor, Iridium Satellite LLC, routinely requests and has obtained confidential treatment of information submitted to the Commission concerning the status of its mobile satellite service constellation. *See, e.g., Iridium Constellation LLC*, Call Sign S2110, IBFS File No. SAT-MOD-20101001-00207, Section 25.143(e) Annual Report and Request for Confidential Treatment (Oct. 15, 2013).

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* The confidential information contained in the Globalstar Information would, if publicly disclosed, enable Globalstar's competitors to gain an unfair competitive advantage. Under applicable Commission and federal court precedent, the information provided by Globalstar on a confidential basis should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The technical information in question clearly satisfies this test.

Additionally, where disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information.⁶ Failure to accord confidential treatment to this information is likely to dissuade providers from voluntarily submitting such information in the future, thus depriving the FCC of information necessary to evaluate facts and market conditions relevant to applications and policy issues under its jurisdiction.

If a request for disclosure occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Globalstar to pursue appropriate remedies to preserve the confidentiality of the information.

If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Sincerely,

/s/ Stephen J. Berman
Stephen J. Berman
Counsel for Globalstar Licensee LLC

Attachment

⁶ See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that "for whatever reason, 'would customarily not be released to the public by the person from whom it was obtained'") (citation omitted).

GLOBALSTAR LICENSEE LLC

Call Sign S2115

**Supplemental Information for Application of Globalstar Licensee LLC
to Modify Authorization to Extend the License Term of NGSO Space Station License**

File No. SAT-MOD-20130314-00030

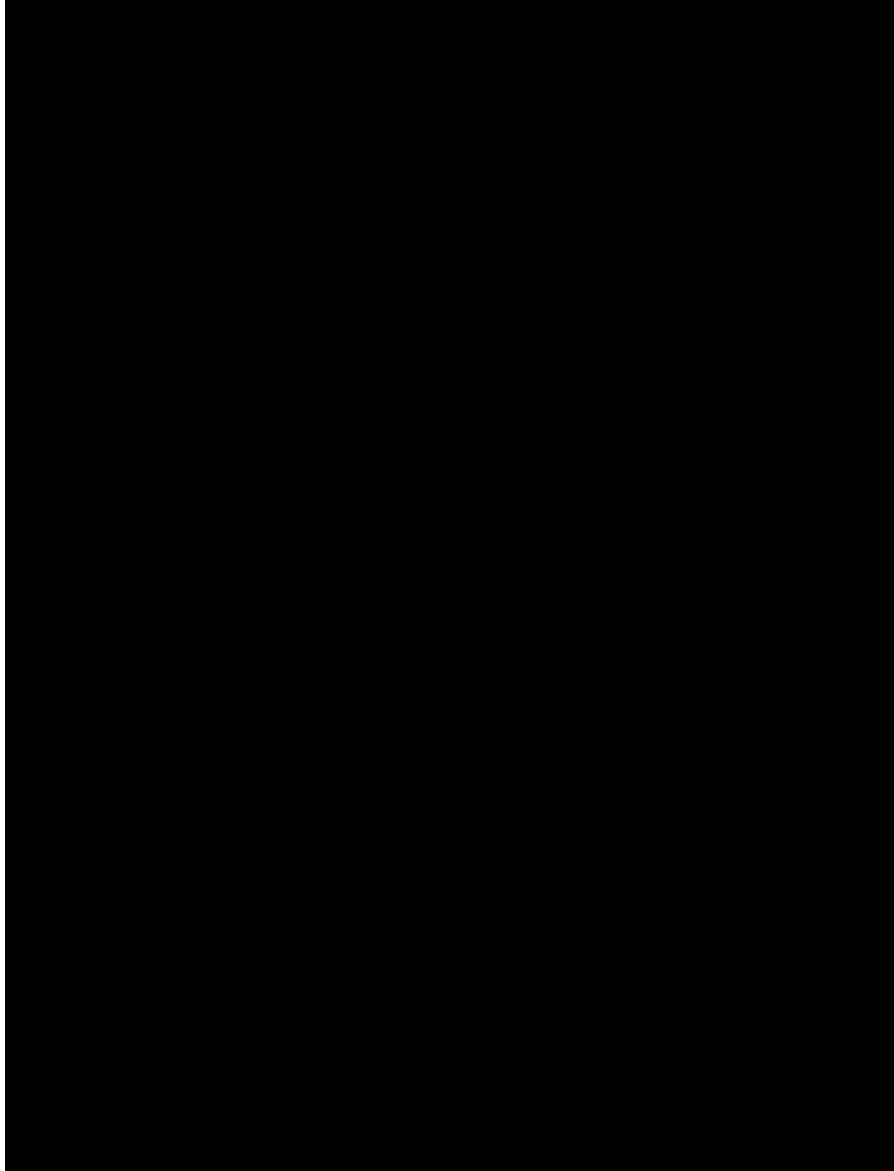
As requested by the staff of the International Bureau, Globalstar Licensee LLC (“Globalstar”) hereby provides the following supplemental information for its pending application to extend the license term of its first-generation non-geostationary mobile satellite service (“NGSO MSS”) system:

For which first-generation MSS satellites is Globalstar seeking an extension of its license term?

On March 14, 2013, Globalstar requested an extension of the license term for its first-generation NGSO MSS constellation to October 4, 2024. This extension request applies to all of Globalstar’s first-generation NGSO MSS satellites that were operating in the Big LEO band at 1610-1618.725 MHz/2483.5-2500 MHz as of the April 21, 2013 expiration date for this MSS license. As of that date, [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of Globalstar’s first-generation satellites were operating in Globalstar’s licensed Big LEO spectrum and supporting the provision of commercial MSS. These first-generation satellites and their current operational status are listed below in Table A.

TABLE A

[BEGIN CONFIDENTIAL]



[END CONFIDENTIAL]

How many of Globalstar's first-generation MSS satellites are still operating?

From 1998 through 2007, Globalstar launched a total of sixty first-generation NGSO MSS satellites. As shown in Table A, **[BEGIN CONFIDENTIAL]** [REDACTED] **[END CONFIDENTIAL]** of Globalstar's first-generation satellites are currently operating in the Big

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LEO band and supporting the provision of either commercial simplex or duplex service to Globalstar's customers.

As indicated above, as of the April 21, 2013 first-generation license expiration date, [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of Globalstar's first-generation satellites were operating in its licensed Big LEO spectrum and supporting the provision of commercial MSS. Since that date, [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of Globalstar's first-generation NGSO MSS satellites have ceased operations in the Big LEO band. Globalstar has completed the de-orbiting of [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of these satellites to their final, graveyard orbit altitudes above 1514 kilometers as specified in Globalstar's approved orbital debris mitigation plan, and it is currently in the process of raising the other non-operational satellite to its graveyard orbit altitude in compliance with the approved plan. Overall, [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of Globalstar's sixty first-generation satellites have been successfully transferred to their graveyard altitudes. These satellites are fully passivated and are no longer under Globalstar's control.

What are the ID numbers of these operational first-generation satellites?

As indicated in Table A, Globalstar's [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] first-generation satellites currently operating in the Big LEO band have the following ID numbers: [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL]

How much fuel is remaining on each of Globalstar's operational first-generation satellites?

The remaining propellant on each of Globalstar's operational first-generation satellites is indicated above in Table A.

How much fuel is required to properly de-orbit Globalstar's operational first-generation satellites?

There must be at least [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of fuel remaining in order for a first-generation satellite to reach the minimum de-orbit altitude of 1514 km. This includes [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] for the de-orbit operation and [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of estimated residual fuel.

How much fuel would it take to de-orbit Globalstar's first-generation satellites above 2000 km?

It would take approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of fuel for a first-generation satellite to reach a de-orbit altitude above 2000 km. However, due to

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different parking orbits during launch (Delta vs Soyuz) and constellation repositioning over the years, few satellites will have this amount of fuel available at end-of-life (EOL). In deorbiting, it is also important to be certain of the orbital plane and slot separation as well as the satellite's final de-orbited altitude.

What is the average fuel consumption by Globalstar's first-generation satellites on a monthly basis?

During normal operations, station-keeping maneuvers require only [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] per year per operational satellite. Accordingly, the monthly average fuel consumption for all of Globalstar's operational first-generation satellites would be less than [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL]

What are Globalstar's plans for the first-generation NGSO MSS satellites that are the subject of this license extension request?

Globalstar intends to use its [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] Big LEO MSS first generation satellites to support its provision of commercial MSS as long as those satellites remain operational in at least the SIMPLEX mode of operations. Globalstar expects the eight first-generation satellites launched in 2007 to operate through 2016. Given that Globalstar's first-generation satellite constellation was predicted to remain operational only for seven and a half years, the still operational first-generation satellites have all exceeded their expected operational lives.

Does Globalstar have plans to use any first-generation MSS satellites as test beds?

Globalstar is authorized to use up to six first-generation MSS satellites as test beds. Currently, real time sequencing tests are being conducted for safe emergency and memory recovery mode operations. First-generation satellite [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] is being used to conduct these tests. There are plans to conduct similar tests on other first generation de-orbited satellites in the future.

Can Globalstar update the record on any "single-point" failures experienced in its first-generation constellation?

Globalstar has suffered the catastrophic loss of [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] of its sixty first-generation NGSO MSS satellites. The most recent catastrophic loss was the failure of satellite [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] Globalstar does not have control of these satellites, as they failed unexpectedly in their operational orbits and are currently being tracked by NORAD.

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