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Federal Communications Commission
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Ms. Mindel De La Torre
Chief, International Bureau

Ms. Ruth Milkman
Chief, Wireless Telecommunications Bureau

Mr. Julius Knapp
Chief, Office of Engineering and Technology

Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**Re: Open Range Communications Inc.
Request for Extension of Special Temporary Authority
SAT-STA-20100625-00147**

Dear Ms. De La Torre, Ms. Milkman, and Mr. Knapp:

Open Range Communications Inc. ("Open Range") hereby respectfully requests extension of its existing Special Temporary Authority ("STA") for a period of 180 days commencing February 1, 2011 to continue operating on the Globalstar spectrum (2483.5 to 2495 MHz) in accordance with the terms of its existing authority. On September 14, 2010, the Commission denied Globalstar's request for extension of the ATC gating criteria compliance dates, but granted Open Range Special Temporary Authority to continue its operations on the Globalstar ATC spectrum for a limited period.¹ The Bureaus, in the *Open Range STA and Reconsideration Order*, granted Open Range Special Temporary Authority to continue to operate and expand its network to a defined list of markets through January 31, 2011.

¹ *Globalstar Licensee LLC, Application for Modification of License to Extend Dates for Coming Into Compliance with Ancillary Terrestrial Component Rules*, File No. SAT-MOD-20091214-00152 and *Open Range Request for Special Temporary Authority*, File No. SAT-STA-20100625-00147, Order (DA 10-1740)(IB, WTB, OET)(REL. September 14, 2010); *Order on Reconsideration, Open Range Request for Special Temporary Authority*, File No. SAT-STA-20100625-00147, Released September 23, 2010 (DA 10-1801) ("Reconsideration Order").

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The *Open Range STA* and *Reconsideration Order* require Open Range to submit monthly reports on the status of its efforts to secure alternative spectrum and to comply with the other commitments made by Open Range in seeking an STA. These commitments include limiting its build-out to a defined list of markets, compliance with all limitations and restrictions in its RUS loan agreement relating to the payment of dividends and distributions, payment of lease payments that would otherwise be due to Globalstar under the parties' spectrum lease instead to the U.S. Treasury as a voluntary contribution, and the submission of monthly reports on the status of its efforts to secure alternative spectrum.

Open Range has complied with all of the conditions and undertakings set forth in the Bureaus' STA grant and in the letters submitted by Open Range. Although Open Range has executed a Letter of Intent ("LOI") with one potential spectrum partner, Open Range needs additional time to reach definitive agreements with this partner and to continue discussions with remaining potential partners and plan the transition of its customer base to new spectrum. In light of Open Range's compliance and its substantial efforts to date in securing alternative spectrum, an extension of the Special Temporary Authority previously granted is justified. Open Range's compliance efforts are detailed below.

Efforts To Secure Alternative Spectrum

Open Range's efforts to secure alternative spectrum are set forth in detail in monthly reports Open Range filed on October 1, November 1, and December 1, 2010. Importantly, as reported on December 1, 2010, Open Range has executed an LOI with one potential partner providing for a series of agreements governing access to spectrum and other arrangements needed to implement service. In addition, the company is also actively pursuing alternative spectrum arrangements with a variety of other potential spectrum partners. To date Open Range has conducted discussions with potential spectrum partners related to seven possible spectrum arrangements in different spectrum bands. Open Range will continue these efforts until its spectrum needs are fully met.

In the context of these ongoing efforts Open Range is also planning for possible alternative transition strategies for its customer base. Because the discussions now underway concern differing spectrum bands having differing equipment solutions, Open Range is considering how a transition can best be effectuated in each of these bands. Certain alternatives would require more significant equipment changes than other alternatives and Open Range is taking this into account in its consideration of spectrum alternatives.

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Compliance with FCC Conditions

Beyond its efforts to secure alternative spectrum and to plan the transition of its customer base, Open Range has also complied with the other requirements of the Commission's orders and Open Range's undertakings in seeking the STA. First, Open Range has agreed to make voluntary contributions to the Federal Government representing the lease payments it would have paid Globalstar had the leasing arrangement continued. Open Range has already paid lease charges for September, October, and November, 2010. Open Range's lease payments through November 30, 2010 total \$99,341.00. In addition, Open Range is in compliance with all limitations and restrictions in its RUS loan agreement related to the payment of dividends and distributions. Finally, Open Range has limited its deployment to less than the 1,816,085 households provided for in the Bureaus' grant of STA authority. As of this time, Open Range is serving 23,267 customers and its network covers approximately 898,880 households or approximately 2,337,088 million pops.

In summary, Open Range's efforts to secure alternative spectrum are well underway as evidenced by the signing of an LOI with one of its potential spectrum partners. In addition, Open Range is in compliance with all of the undertakings and requirements provided for in Open Range's request for Special Temporary Authority and the Bureaus' grant of that authority. Additional time will enable Open Range to select a spectrum partner or partners, and negotiate agreements with those partners. Affording this additional time to Open Range will serve the public interest by continuing and expanding the availability of wireless broadband services in rural areas of the United States. Wherefore, Open Range respectfully requests that the Bureaus extend Open Range's existing Special Temporary Authority for an additional 180 days. Open Range understands that it will continue to be bound by the conditions and undertakings applicable to its existing Special Temporary Authority.

Respectfully submitted,



Open Range Communications Inc.
by its attorney
Joe D. Edge