Before the
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
GUSA Licensee LLC — Applications To Operate Four New Feeders Link Earth Stations in Sebring, Florida Using the 5 and 7 GHz Frequency Bands	)	File Nos. SES-LIC-20050617-00768, SES-LIC-20050617-00769, SES-LIC-20050617-00770, and SES-LIC-20050617-00771
	)	
GUSA Licensee LLC — Applications To Operate Three New Feeder Link Earth Stations in Wasilla, Alaska Using the 5 and 7 GHz Frequency Bands	)	File Nos. SES-LIC-20051122-01631, SES-LIC-20051122-01632, and SES-LIC-20051122-01633

PETITION OF GUSA LICENSEE LLC AND GLOBALSTAR, INC. FOR CLARIFICATION

GUSA Licensee LLC and its corporate parent Globalstar, Inc. (collectively "Globalstar") hereby seek clarification of the January 4, 2007 Orders and Authorizations ("Orders") issued by the Satellite Division of the Commission's International Bureau ("Division") in these proceedings.[1/] Globalstar seeks confirmation of the following two points that it believes are implicit but not fully explicit in the Orders:

(1) that Globalstar's earth station gateways in Sebring, Florida and Wasilla, Alaska, like its 23 other operational gateways around the World, are permitted to receive

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1/ *See* Order and Authorization, *GUSA Licensee, LLC — Applications To Operate Four New Feeders Link Earth Stations in Sebring, Florida Using the 5 and 7 GHz Frequency Bands*, DA 07-10 (rel. Jan. 4, 2007) ("*Florida Gateway Order*"); Order and Authorization, *GUSA Licensee, LLC — Applications To Operate Three New Feeder Link Earth Stations in Wasilla, Alaska Using the 5 and 7 GHz Frequency Bands*, DA 07-11 (rel. Jan. 4, 2007) ("*Alaska Gateway Order*").

transmissions from Globalstar's Mobile Satellite Service ("MSS") satellites across the entire 6875-7055 MHz feeder downlink band as long as they are used in connection with the Globalstar Big LEO MSS system[2/] (although in the case of the Sebring and Wasilla gateways without interference protection in the 7025-7055 MHz portion of the band); and

(2) that the Division's application of the rule changes adopted by the Commission in the *2002 Allocation Report and Order*[3/] does not imply that Globalstar will be foreclosed from using the entire 6875-7055 MHz band for feeder downlink transmissions (subject to the lack of interference protection in the 7025-7055 MHz portion of the band at the non-grandfathered Sebring and Wasilla gateways) in its second generation satellites, currently under construction.

In the Commission's 1994 *Big LEO Allocation Report and Order* adopting rules and policies to govern the Big LEO service, the Commission authorized qualified Big LEO applicants, including Globalstar, to construct and launch satellites capable of operating with specified feeder-link frequencies, conditioned on the Commission's later allocation decisions with respect to such frequencies.[4/] In reliance on the Commission's decision and the subsequent World Radiocommunication Conference designation of the 6700-7075 MHz band for use for

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2/ *See* Order and Authorization, *Application of Loral/Qualcomm Partnership, L.P. for Authority to Construct, Launch, and Operate Globalstar, a Low Earth Orbit Satellite System to Provide Mobile Satellite Services in the 1610-1626.5 MHz/2483.5-2500 MHz Bands,* 10 FCC Rcd 2333 (1995), *Erratum*, 10 FCC Rcd 3926. *See also* Order and Authorization, *L/Q Licensee, Inc. Application for modification of license to construct, launch, and operate low-Earth-orbit satellites and request for waiver of Table of Allocations,* 11 FCC Rcd 16410 (1996). The Big LEO system established by L/Q is known as Globalstar, and is now owned and operated by Globalstar Licensee LLC.

3/ Amendment of Parts 2, 25, and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz, *Report and Order*, 17 FCC Rcd 2658 (2002) ("*2002 Allocation Report and Order*"). *See also* Amendment of Parts 2,25 and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz, *Memorandum Opinion and Order*, 18 FCC Rcd. 6897 (2003) ("*MSS Allocation Reconsideration Order*").

4/ *See* Report and Order, *Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands*, 9 FCC Rcd 5936 (1994) ("*Big LEO Allocation Report and Order*") at ¶ 166.

satellite feeder links,[5] Globalstar designed its system in a manner that relies on the 5091-5250 MHz band for feeder uplinks and the 6875-7055 MHz band for feeder downlinks. In February 2002, the FCC allocated the 6700-7025 MHz segment for non-geostationary ("NGSO") MSS feeder downlinks for Fixed Satellite Service ("FSS") on a co-primary basis, but concluded that the 7025-7075 MHz segment should be allocated on a primary basis for BAS.[6] Globalstar and other Big LEO licensees strenuously objected to this decision, which conflicted with the designation in the ITU Radio Regulations of the full 6700-7075 MHz band for satellite feeder links. Globalstar and the other licensees argued, among other things, that they could not be expected to design *global* satellite systems, as the Commission intended in the *Big LEO Allocation Report and Order*, if they did not have access to a globally uniform spectrum allocation.[7] The Commission declined to maintain the primary allocation in the 7025-7055 MHz band segment, but did grandfather Globalstar's existing gateway in Clifton, Texas and GCL

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[5] *See* Final Acts of the World Radiocommunication Conference (WRC-95), Geneva, 1995; United States Proposals for the 1995 World Radiocommunication Conference, July 1995 (requesting feeder link allocation in the 6700-7075 MHz band).

[6] *See 2002 Allocation Report and Order.*

[7] Commissioner Copps has openly criticized the Commission's penchant for declining to honor global allocations of satellite spectrum:

> For example the Commission needs to provide more certainty that satellite spectrum will remain satellite spectrum. We also need to guarantee that internationally harmonized spectrum isn't used for other purposes because such harmonization was won only after hard battles. Spectrum is the lifeblood of the satellite business. But, too often, the Commission has sent mixed signals to the satellite industry about the future of spectrum. We have reclaimed satellite spectrum for other purposes and cannibalized internationally harmonized satellite spectrum. This must stop.

Remarks of FCC Commissioner Michael J. Copps – SIA/SBCA Folger Library Dinner, March 22, 2005.

Licensee LLC's[8/] existing gateway in Finca Pascual, Puerto Rico, allowing them to continue to operate on a co-primary basis in the 7025-7055 MHz portion of the band.[9/] The Commission further noted that Globalstar's satellites remained authorized to transmit in that band.[10/]

In the January 4 Orders, the Division granted Globalstar permanent authority to operate two new gateway earth stations in Sebring, Florida and Wasilla, Alaska using the 5096-5250 MHz and 6875-7025 MHz frequency bands for feeder uplinks and downlinks. However, the Division's Orders denied Globalstar's associated requests for waiver of the Table of Frequency Allocations contained in section 2.106 of the Commission's rules, 47 C.F.R. § 2.106, to utilize spectrum on a co-primary basis in the 7025-7055 MHz frequency bands for feeder links at the new gateway locations.[11/] Specifically, the Orders stated that the Division was denying "[Globalstar's] request for waiver of the Table of Frequency Allocations and those portions of its pending applications seeking to use the 7025-7055 MHz band."[12/] The Division noted that the implication of the waiver denials is that Globalstar will not have the interference protection and

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8/ This gateway was originally licensed to Globalstar Caribbean, Ltd., which transferred its interest to GCL Licensee LLC by pro forma assignment.

9/ *See 2002 Allocation Report and Order* at ¶ 39.

10/ *Id.*

11/ *See* GUSA Licensee, LLC — Applications To Operate Four New Feeders Link Earth Stations in Sebring, Florida Using the 5 and 7 GHz Frequency Bands, File Nos. SES-LIC-20050617-00768, SES-LIC-20050617-00769, SES-LIC-20050617-00770, and SES-LIC-20050617-00771 (filed June 17, 2005) ("*Florida Gateway Application*"); GUSA Licensee, LLC — Applications To Operate Three New Feeder Link Earth Stations in Wasilla, Alaska Using the 5 and 7 GHz Frequency Bands, File Nos. SES-LIC-20051122-01631, SES-LIC-20051122-01632, and SES-LIC-20051122-01633 (filed Nov. 22, 2005) ("*Alaska Gateway Application*").

12/ *See Florida Gateway Order* at ¶ 9; *Alaska Gateway Order* at ¶ 9.

coordination rights that would stem from co-primary status in that band at the two new gateway locations.[13/]

While Globalstar continues to believe that a waiver is warranted in these circumstances, it is willing to operate on an unprotected basis in the 7025-7055 MHz segment at the Sebring and Wasilla gateways predicated on its understanding that the waiver denials do not carry with them any broader implications for the future of the Globalstar system. Accordingly, Globalstar seeks confirmation on the following two points: ***First***, Globalstar seeks confirmation that, Globalstar's Sebring and Wasilla gateways are permitted to receive and process transmissions from Globalstar's satellites in the 7025-7055 MHz bands on an unprotected basis; and ***second***, consistent with Globalstar's MSS space station Authorization and the Commission's decision in the *2002 Allocation Report and Order* to grandfather Globalstar's Texas and Puerto Rico gateways, the Orders do not imply any limitation on Globalstar's right, subject to compliance with all other applicable Commission rules and policies, to use all of the spectrum between 6875-7055 MHz to communicate from its satellites to its existing and future gateways for as long as Globalstar provides MSS service in the Big LEO service link and feeder link bands.[14/]

Clarification of these two points is essential as Globalstar continues to transition customers to the new gateways in Sebring and Wasilla, and as it moves forward with the construction and launch of its second generation satellites. As Globalstar made clear in its requests for waiver, "in order to provide robust and reliable service" the Florida and Alaska

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13/ *See Florida Gateway Order* at ¶ 8; *Alaska Gateway Order* at ¶ 8.

14/ As Globalstar explained in its waiver requests, its gateways do not transmit, but only receive, in the affected band, and as such Globalstar's only transmissions in these frequencies are from its satellites (which are authorized to transmit across the full 6875-7055 MHz band). *See, e.g., Florida Gateway Application*, Response To FCC Form 312, Question 35 at 6-7.

gateways must "have access to the full 6875-7055 MHz band for feeder links that is now used in all...of Globalstar's active gateways."[15/] As Globalstar discussed, this necessity stems from the technical nature of Globalstar's previously authorized satellites, each of which employs 16 service or user uplink beams to maximize geographic coverage and call capacity, which are hard-wired to the 180 MHz of spectrum in the 6875-7055 MHz band. In addition, Globalstar's satellites utilize all of this spectrum twice by means of polarization diversity frequency re-use to accommodate downlinks for the 16 user uplinks. This makes it essential that Globalstar be certain of the correctness of its understandings that all of its gateways may continue to receive downlink transmissions in the 7025-7055 MHz band, although they will do so on a co-primary, protected basis only at the grandfathered locations in Texas and Puerto Rico (and at its 21 other gateways outside the U.S.), and that the authorization for its satellites to transmit in that band will not expire when its existing operational and on-ground spare satellites are replaced in 2009.

As Globalstar announced on December 4, 2006, it has executed a contract with Alcatel Alenia Space ("Alcatel") under which Alcatel will design, manufacture and deliver the Globalstar second-generation constellation of 48 LEO satellites, which are substantially identical to the first-generation satellites.[16/] These satellites will be backward compatible with Globalstar's existing satellite constellation and with its global gateways, and thus must transmit on the same downlink frequencies as Globalstar's existing satellites, including in the 7025-7055

15/ *See Florida Gateway Application*, Response To FCC Form 312, Question 35 at 6; *Alaska Gateway Application*, Response To FCC Form 312, Question 35 at 5.

16/ *See* Globalstar, Inc. Press Release, "Globalstar, Inc. Signs Contract with Alcatel Alenia Space for Second-Generation LEO Satellite Constellation," Dec. 4, 2006. By using first-generation designs and incorporating technological advances that have occurred in the past ten years, Globalstar can produce state-of-the-art satellites without incurring large research and development expenses.

MHz band. Given the substantial investment that Globalstar has made to ensure the rapid deployment of its second-generation constellation, confirmation of these points is vital.

CONCLUSION

For all of the foregoing reasons, Globalstar requests expedited clarification of the issues discussed above.

Respectfully Submitted,

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