

June 25, 2008

FILED/ACCEPTED

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Federal Communications Commission
Office of the Secretary

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

Re: *Ex Parte Presentation*, IBFS File No. SAT-MOD-20080516-00106;
SES-AMD-20070907-01253; SES-LIC-INTR-2007-02866;
SES-LIC-2006-1206-02100, SES-AMD-20070508-00582,
SES-AMD-20070309-00336, SES-AMD-20061214-02179

Dear Ms. Dortch:

CTIA – The Wireless Association® (“CTIA”) takes this opportunity to express its concerns with recent requests by Globalstar Licensee LLC (“Globalstar”), TerreStar Networks L.P. (“TerreStar”) and New ICO Satellite Services G.P. (“ICO”) for waiver of certain rules pertaining to the mobile satellite services (“MSS”) ancillary terrestrial components (“ATC”). Specifically, CTIA is concerned that Globalstar, TerreStar and ICO are requesting authorization to begin providing ATC service without satisfying specific, important “gating criteria” established by the Federal Communications Commission (the “Commission”). CTIA urges the Commission to carefully consider the MSS operators’ factual showings with regard to satisfying the gating criteria before authorizing ATC service.

In establishing rules for the provision of ATC service by MSS licensees, numerous parties raised concerns that a grant of ATC authority would give MSS operators the incentive to rely primarily on terrestrial service and infrastructure. To ensure that MSS ATC remains truly ancillary to the provision of substantial satellite service, the Commission required that certain threshold “gating criteria” be met prior to beginning ATC service.¹ Those gating criteria include: (1) geographic and temporal MSS service requirements; (2) maintenance of an “in-orbit” or “ground spare” satellite, as appropriate; (3) availability of commercial service; (4) offering of an integrated MSS/ATC service; and (5) operation of ATC in the same bands as the MSS service.²

Globalstar, TerreStar and ICO now ask the Commission to grant them authority to provide ATC service before meeting particular gating criteria. CTIA

¹ See, e.g., *In re Flexibility for Delivery of Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 1962, ¶ 66 (2003).

² See *id.* See also 47 C.F.R. § 25.149(b)(1)-(5).

urges the Commission to closely evaluate the MSS licensees' compliance with the gating criteria prior to granting any ATC authorization.

Pursuant to the Commission's rules, copies of this letter are being hand filed with your office. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Christopher Guttman-McCabe

Christopher Guttman-McCabe