

January 31, 2011

**Samir C. Jain**

Ms. Mindel De La Torre  
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**Re: Request for Confidential Treatment**

Globalstar Licensee LLC / Globalstar Caribbean, LLC  
 Designation: HIBLEO-4FL (ITU) / S2115 (FCC) and HIBLEO-X (ITU)

File Nos. SAT-AMD-20091221-00147; SES-MFS-20091221-01615;  
 SES-MFS-20091221-01616; SES-MFS-20091221-01617;  
 SES-MFS-20091221-01618; SES-AFS-20091221-01607;  
 SES-MFS-20091221-01608; SES-MFS-20091221-01609;  
 SES-MFS-20091221-01610; SES-MFS-20091221-01611;  
 SES-MFS-20091221-01602; SES-MFS-20091221-01603;  
 SES-MFS-20091221-01604; SES-MFS-20091221-01605;  
 SES-MFS-20091221-01606; SES-MFS-20091221-01614;  
 SES-MFS-20091221-01613; SES-MFS-20091221-01612

Dear Ms. De La Torre:

As part of its above-captioned Application and Requests for Special Temporary Authority,<sup>1</sup> Globalstar Licensee LLC and Globalstar Caribbean, LLC (“Globalstar”) hereby submits the attached letter concerning registration of its second generation satellites under the Outer Space Treaty.

Globalstar respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, the Commission withhold from public inspection and accord confidential treatment to the attached submission, which contains commercially

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<sup>1</sup> See Globalstar Licensee LLC, GUSA Licensee LLC, and GCL Licensee LLC – Application for Modification of Nongeostationary Mobile Satellite Service System License (S2115) To Launch a Second-Generation System; Application For Modification of Mobile Satellite Service Earth Station Licenses and Mobile Earth Terminal Licenses To Authorize Communications with Second-Generation System and To Incorporate Previously-Granted Ancillary Terrestrial Component Authority, File No. SAT-AMD-20091221-00147 (filed Dec. 21, 2009) (“Application”). The reference file numbers for Globalstar’s pending STA requests (filed Jan. 28, 2011) are noted in the reference line above.

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sensitive information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”).<sup>2</sup> The entirety of Globalstar’s submission is confidential and, accordingly, no redacted version is being filed.

Exemption 4 permits parties to withhold from public information “trade secrets and commercial or financial information obtained from a person and privileged or confidential categories of materials not routinely available for public inspection.”<sup>3</sup> Applying Exemption 4, the courts have stated that commercial or financial information is confidential if its disclosure will either (1) impair the government’s ability to obtain necessary information in the future; or (2) cause substantial harm to the competitive position of the person from whom the information was obtained. *See National Parks and Conservation Ass’n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974)(footnote omitted); *see also Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879-80 (D.C. Cir. 1992), *cert. denied*, 507 U.S. 984 (1993). Section 0.457(d)(2) allows persons submitting materials that they wish to be withheld from public inspection in accordance with Section 552(b)(4) to file a request for non-disclosure, pursuant to Section 0.459. In accordance with the requirements contained in Section 0.459(b) for such requests, Globalstar hereby submits the following:

(1) *Identification of Specific Information for Which Confidential Treatment is Sought (Section 0.459(b)(1))*. Globalstar seeks confidential treatment for its attached letter concerning registration of its second generation satellites under the Outer Space Treaty.

(2) *Description of Circumstances Giving Rise to Submission (Section 0.459(b)(2))*. Globalstar is submitting this information as part of its above-captioned Application and requests for Special Temporary Authority.

(3) *Explanation of the Degree to Which the Information is Commercial or Financial, or Contains a Trade Secret or is Privileged (Section 0.459(b)(3))*. The attached letter contains confidential information and sensitive commercial information that Globalstar’s competitors could use to Globalstar’s disadvantage. The courts have given the terms “commercial” and “financial,” as used in Section 552(b)(4), their ordinary meanings. 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.” Information contained in the attached letter falls within the definition of commercial. Competitors could use this information to enhance their market position at Globalstar’s expense.

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<sup>2</sup> See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

<sup>3</sup> *Id.*

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(4) *Explanation of the Degree to Which the Information Concerns a Service that is Subject to Competition (Section 0.459(b)(4))*. Substantial competition exists in the mobile satellite service industry. The presence of competitors makes imperative the confidential treatment of sensitive commercial information. 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 Communications Inc., 1.6/2.4 GHz Mobile Satellite System License, Call Sign S2110, Section 25.143(e) Annual Report and Request for Confidential Treatment Pursuant to Sections 0.457 and 0.459 (filed Oct. 15, 2009).

(5) *Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))*. As explained above in Section 3, release of the information contained in the attached letter could affect Globalstar's commercial operations. If competitors or customers had access to this information, it could negatively affect Globalstar's future negotiations with potential and existing customers and investors.

(6) *Identification of Measures Taken To Prevent Unauthorized Disclosure (Section 0.459(b)(6))*. Globalstar treats the information contained in the attached letter as confidential information and has not disclosed it publicly, except to the extent necessary. Globalstar limits access to the information contained in the attached letter to necessary personnel only. In addition, Globalstar takes precautions to ensure that this information is not released to the general public or obtained by its competitors through other means.

(7) *Identification of Whether the Information is Available to the Public and the Extent of Any Previous Disclosure of Information to Third Parties (Section 0.459(b)(7))*. Globalstar has not made the information in the attached letter available to the public and has not disclosed the information to any third parties.

(8) *Justification of Period During Which the Submitting Party Asserts that the Material Should Not be Available for Public Disclosure (Section 0.459(b)(8))*. Globalstar respectfully requests that the Commission withhold the attached letter from public inspection until all international coordination for its second-generation satellite constellation is complete and its above-captioned Application is granted.

Please do not hesitate to contact me with any questions.

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Respectfully submitted,

*/s/ Samir Jain*

Samir Jain  
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Encl.