

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of	)	File Nos.
	)	SAT-AMD-20091221-00147
GLOBALSTAR LICENSEE LLC,	)	SES-AFS-20091221-01601
GUSA LICENSEE LLC, AND GCL	)	SES-MFS-20091221-01602
LICENSEE LLC	)	SES-AFS-20091221-01607
	)	SES-MFS-20091221-01608
Application for Modification of	)	SES-MFS-20091221-01609
Nongeostationary Mobile Satellite Service	)	SES-MFS-20091221-01610
System License (S2115) To Launch a Second-	)	SES-MFS-20091221-01611
Generation System	)	SES-MFS-20091221-01612
	)	SES-MFS-20091221-01613
Application for Modification of Mobile	)	SES-MFS-20091221-01614
Satellite Service Earth Station Licenses and	)	SES-MFS-20091221-01615
Mobile Earth Terminal Licenses To Authorize	)	SES-MFS-20091221-01616
Communications With Second-Generation	)	SES-MFS-20091221-01617
System and To Incorporate Previously-Granted	)	SES-MFS-20091221-01618
Ancillary Terrestrial Component Authority	)	SES-MFS-20091221-01603
	)	SES-MFS-20091221-01604
	)	SES-MFS-20091221-01605
	)	SES-MFS-20091221-01606

OPPOSITION OF GLOBALSTAR TO PETITION TO DENY

I. INTRODUCTION AND SUMMARY

Globalstar Licensee LLC, GUSA Licensee LLC, and GCL Licensee LLC (collectively, “Globalstar”) hereby oppose the petitions filed by Iridium Satellite LLC (“Iridium”) to deny Globalstar’s Space Station and Earth Station Modification Applications (collectively “Second-Generation System Application”).^{1/} In the Second-

^{1/} 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 (filed Dec. 21, 2009). Iridium filed an initial Opposition to Globalstar’s Second-Generation System Application

Generation System Application, Globalstar has sought the necessary Commission space station and earth station licensing approvals in connection with the deployment of its second-generation satellite constellation, “Globalstar 2.0,” which will enable it to restore service quality and to provide a variety of advanced voice, two-way data, and messaging services for at least the next 15 years. That will serve the public interest by benefiting Globalstar’s customers and increasing competition both here and abroad.

Iridium, Globalstar’s principal competitor, has failed to present any technical or policy justification for denying Globalstar’s Application or for imposing the onerous conditions it has proposed. Rather, Iridium’s pleadings amount to nothing more than an anticompetitive effort to delay Globalstar’s placement into service of its replacement constellation in order to impede Globalstar’s recovery and thereby enhance Iridium’s own prospects for funding its proposed second generation constellation.^{2/} The Commission should note Iridium’s objections for what they are and promptly grant Globalstar’s Application.

on December 31, 2009, before the Application was placed on Public Notice. *See* Opposition of Iridium Satellite LLC (filed Dec. 29, 2009) (“Iridium Opposition”). On January 13, 2010, the International Bureau’s Satellite Division granted Globalstar’s motion to defer the deadline for responding to Iridium’s Opposition until the Second-Generation System Application was placed on public notice. *See* Report No. SAT-00660, DA 10-89 (rel. Jan. 15, 2010). The earth station and space station components of Globalstar’s Second-Generation System Application were placed on Public Notice on March 17, 2010, and March 19, 2010, respectively. *See* Report No. SES-01226 (rel. Mar. 17, 2010) and Report No. SAT-00673 (rel. Mar. 19, 2010). On April 16, 2010, Iridium filed a Petition opposing the Application. *See* Petition To Deny of Iridium Satellite LLC (filed April 16, 2010) (“Iridium Petition”).

^{2/} In addition to its December 31st Opposition and April 16th Petition, Iridium also has filed a motion asking the Commission to delay acting on Globalstar’s Second-Generation System Application indefinitely. *See* Iridium Satellite LLC, Motion to Hold Globalstar Applications in Abeyance (filed Dec. 31, 2009) (“Iridium Abeyance Motion”).

II. GLOBALSTAR WILL OPERATE IN COMPLIANCE WITH THE COMMISSION'S SATELLITE LICENSING RULES AND POLICIES.

In its pleadings, Iridium asserts that the Commission should deny or impose unprecedented “compliance conditions”^{3/} because Globalstar previously has sought a limited waiver of the terms of the Commission’s *Modification Order* modifying the frequencies on which Globalstar’s U.S.-licensed satellites may operate, as well as Special Temporary Authority (“STA”) to continue to provide service on those frequencies in Russia – a country in which Iridium is not authorized to operate.^{4/} As Globalstar has demonstrated in response to Iridium’s prior pleadings making the identical claims,^{5/} nothing about the Request for Waiver and STA justifies a denial, conditioning, or further delay in approving Globalstar’s Second-Generation System Application.

In the *Modification Order*, the Commission concluded that Globalstar’s U.S.-licensed satellites should no longer be permitted to operate either in the U.S. or abroad on the spectrum between 1618.725 and 1621.35 MHz, despite the fact that Globalstar has

^{3/} See Iridium Petition at 5.

^{4/} See Globalstar Licensee LLC, Call Sign S2115; GUSA Licensee LLC, Call Sign E970381; Iridium Constellation LLC, Call Sign S2110; Iridium Satellite LLC, Call Sign E960132; Iridium Carrier Services, Call Sign E960622, Modification of Authority to Operate a Mobile Satellite Service System in the 1.6/2.4 GHz Frequency Band, *Order of Modifications*, FCC 08-248 (rel. Oct. 15, 2008) (“*Modification Order*”). See also Globalstar Licensee LLC and GUSA Licensee LLC – Request for Waiver and Request for Special Temporary Authority, SAT-STA-20081215-00231 (filed Dec. 15, 2008) (“*Request for Waiver and STA*”). Globalstar also has sought reconsideration of the *Modification Order*. See Petition for Reconsideration of Globalstar Licensee LLC and GUSA Licensee LLC (filed Nov. 14, 2008) (“*Globalstar Petition for Reconsideration*”). Globalstar’s Request for Waiver and STA and Petition for Reconsideration both remain pending.

^{5/} See Opposition of Globalstar Licensee LLC, Call Sign S2115, FCC File No. SAT-MOD-20080904-00165 (filed May 28, 2009); Opposition to Iridium’s Motion To Hold Globalstar Application In Abeyance (filed Jan. 11, 2010).

been licensed to operate, and in fact has been operating, on such frequencies since it first deployed service. In its decision, however, the Commission specifically recognized that “requiring Globalstar to terminate transmissions in certain parts of the world on frequencies in which it has existing operating agreements may impose undue costs on both Globalstar and the countries accessing the Globalstar space stations” and expressly acknowledged that a waiver of those terms might be necessary in certain circumstances.^{6/} As Globalstar repeatedly has shown, despite its legal position that the *Modification Order* is both unlawful and contrary to the public interest, Globalstar took extensive measures in order to comply with its terms. Immediately after the Order was released, Globalstar began the process of adjusting its global channel assignments to conform with the Commission’s decision.^{7/} Among other steps, Globalstar contacted its independent gateway operators (“IGOs”) to determine whether their national licenses would allow them to use channels below 1618.725 MHz within their territories. As Globalstar has candidly acknowledged in both its meetings with staff and its pleadings, however, in a limited number of countries outside of the United States, technical and regulatory constraints made it either extremely difficult or impossible for Globalstar to fully comply with the *Modification Order*’s terms.^{8/} Among other constraints, for example, a complex set of technical factors affect the channels that Globalstar is able to assign to a specific

^{6/} See *Modification Order* at ¶ 41.

^{7/} Globalstar’s efforts to comply with the terms of the *Modification Order* are described in the Affidavit of Paul A. Monte filed on February 2, 2009 in support of Globalstar’s Request for Waiver and STA (“Monte Affidavit”). See also *Opposition of Globalstar Licensee LLC* (filed Feb. 2, 2009).

^{8/} See Monte Affidavit at 6-10.

gateway, and the assignment of specific channels to any single gateway in turn affects the channels assigned to adjacent gateways and so on with a cascading effect.^{9/}

In light of these difficulties, complying fully with the *Modification Order* was not possible in certain countries without substantially harming existing public services. As Globalstar informed the Commission, for example, if Globalstar were required to cease operations on the spectrum at its Russian gateways, it would be forced to eliminate service to many subscribers, including U.S. troops in Afghanistan who are served through those gateways.^{10/} GlobalTel, the Globalstar IGO serving Russia, has verified Globalstar's showing of harm, explaining that enforcement of the terms of the *Modification Order* in Russia "will actually deny [GlobalTel] the possibility to continue its services."^{11/} Accordingly, Globalstar filed its Request for Waiver of the application of the *Modification Order* with respect to certain countries, and simultaneously submitted its Request for STA to allow it to continue to operate on the affected frequencies from enumerated gateways "for 180 days or until the Commission acts on [its waiver], whichever is shorter."^{12/} Since filing its Request for Waiver and STA, Globalstar has continued to work hard with its IGOs to come into further compliance where possible, and in fact has done so in several countries that were part of its original waiver request, with the result that the only country with respect to which Globalstar is now seeking a

^{9/} *Id.* at 3-6.

^{10/} *Id.* at 9-10.

^{11/} See Letter from Oleg Shedenkov, General Director, CJCS GlobalTel, to Marlene H Dortch, Secretary, FCC (March 22, 2010) ("GlobalTel Letter") at 2.

^{12/} See Request for Waiver and STA at 19-20.

waiver is Russia.^{13/} Iridium, the sole beneficiary of the *Modification Order*, is not even currently authorized to operate on the affected spectrum in Russia and so has made no factual showing of any harm to it from Globalstar's operation in Russia. This fact has recently been confirmed by GlobalTel as well.^{14/} In light of these facts, including in particular Globalstar's good faith and transparent attempts to obtain relief so as to avoid shutting down service to customers, Iridium has presented no basis for denying, conditioning, or delaying action on Globalstar's Second-Generation System Application.

There similarly is no merit to Iridium's assertion that Globalstar's decision to register its second-generation satellite constellation through France demonstrates an intent to "evade and negate" or otherwise achieve an "end run" around the terms of the *Modification Order*.^{15/} As Globalstar discussed in its Second-Generation System Application, over the course of the year-and-a-half since it first sought authority to launch a replacement constellation,^{16/} Globalstar determined for a variety of business reasons to register the Globalstar 2.0 constellation through France. As an initial matter, Globalstar explained that it has significant business ties to France and that its subsidiary, Globalstar Europe SARL, holds licenses in France for the service link and feeder link spectrum and operates a gateway covering Western Europe and parts of Northern Africa and the North

^{13/} See Letter from William F. Adler , Globalstar, to Marlene H. Dortch, DCc (Aug. 17, 2009).

^{14/} See GlobalTel Letter.

^{15/} Iridium Opposition at 3; Iridium Petition at 4, 6.

^{16/} See Modification Application of Globalstar Licensee, FCC File No. SAT-MOD-20080904-00165 (filed Sept. 4, 2008).

Atlantic, areas in which Globalstar's customer base is rapidly expanding.^{17/} Globalstar also discussed the fact that French companies have been awarded in excess of \$1.2 billion in contracts to build and launch the Globalstar 2.0 constellation, and that the French export finance agency, Coface, has provided a \$586 million credit facility through a consortium of French banks to fund the constellation.^{18/} In addition, Globalstar pointed out that three of the six MSS providers licensed to provide service in the U.S. have – for business or other technical reasons – chosen to license their space stations through countries other than the U.S.

To be sure, Globalstar explained that an additional reason it has decided to register the Globalstar 2.0 constellation through France is because, if its future operations outside of the United States were limited to the L-band spectrum authorized in its U.S.-issued space station license, as modified by the *Modification Order*, Globalstar would not have enough global L-band capacity through 2025 – the anticipated lifespan of the second-generation constellation – to continue to grow its business.^{19/} Globalstar also reiterated the fact – now well documented in the record of its waiver proceeding – that in certain countries outside of the U.S. its IGOs are not authorized to use sufficient L-band spectrum within the smaller frequency assignment now authorized under Globalstar's

^{17/} See Second-Generation System Application at 8.

^{18/} *Id.*

^{19/} *Id.* at 6-8 (citing *Modification Order*). As noted, the *Modification Order* limited Globalstar's U.S.-authorized space station operations in the L-band to the spectrum between 1610-1618.725 MHz for earth-to-space transmissions. In contrast, Globalstar's French space station registration will authorize operations on Globalstar 2.0 throughout the entire portion of the L-band spectrum allocated for Code Division Multiple Access ("CDMA") MSS operations throughout the rest of the world, subject to national licensing.

U.S.-issued space station license to provide a viable level of service over the life of the second-generation.^{20/}

Finally and notwithstanding Iridium’s misleading assertions to the contrary,^{21/} Globalstar’s Application also made clear that its U.S.-licensed, first-generation space stations will continue to comply fully with the terms of its U.S. space station license:^{22/} As Globalstar explained “[t]hrough at least 2015 or 2016 (beyond the current 2013 expiration date of its FCC authorization), Globalstar will be operating satellites registered through two different administrations.”^{23/} In order to comply with the terms of its U.S. space station license, as limited by the *Modification Order*, in the “United States, both the first-generation and the second-generation satellites will operate on the authorized frequencies, as modified by [that Order] – specifically, the 1610-1618.725 MHz band in the L-band and the 2483.5-2500 MHz band in the S-band.”^{24/} It is simply not true that Globalstar’s decision to register its second-generation space stations through France is intended to circumvent the conditions on its existing U.S. satellite license.

^{20/} See Second-Generation System Application at 6-7 (citing Request for Waiver and STA).

^{21/} Iridium Petition at 7-8.

^{22/} As Globalstar noted, it *may* at some point in the future seek a waiver to operate its remaining first-generation satellites in the spectrum between 1618.725 and 1621.35 MHz in certain countries outside the United States in addition to Russia. See Second-Generation System Application at not 17. Iridium’s assertion (*see* Iridium Petition at 8) that this somehow would violate the Commission’s rules makes no sense – the whole point of seeking such a waiver would be to obtain Commission authority to engage in such operations.

^{23/} Second-Generation System Application at 10.

^{24/} *Id.* at 10-11.

Iridium’s request that the Commission impose unprecedented operating conditions on Globalstar – including the requirement that Globalstar “cease to operate all currently in-orbit satellites on the spectrum in the 1618.725-1621.35 MHz band outside of the United States” – is completely misplaced.^{25/} The satellites receive in the L-band, they do not transmit. To comply with the Commission’s *Modification Order*, Globalstar modifies the software in its control center to prohibit the gateway operators from assigning channels in the 1618.725-1621.35 MHz band to mobile earth terminals (“METs”) within their gateway service areas. As explained above, Globalstar has done so everywhere except for Russia where lower L-band channels are not available. Commission authority to assign channels in the 1618.725-1621.35 MHz band to METs in Russia is the subject of its pending Request for Waiver and STA. The Commission should resolve that issue in that proceeding, not as a condition on the Application here, which involves second-generation satellites that are not currently in-orbit.^{26/}

Finally, there is no basis in the record (and Iridium cannot point to any analogous precedent in the Commission’s prior MSS licensing decisions) for the imposition of “reporting” or “monitoring requirements.”^{27/} The sole precedent to which Iridium cites in support of its request that the Commission impose such conditions – the case of TMI – is wholly inapposite. In that case, the Commission imposed construction milestones and financial conditions on the licensee because it sought to ensure that “licensees and spectrum reservation holders construct their satellite systems and provide service to the

^{25/} Iridium Opposition at 7; Iridium Petition at 13.

^{26/} See Second-Generation System Application at note 17.

^{27/} Iridium Petition at 7.

public in a timely fashion.”^{28/} Here – but for Iridium’s own efforts to delay the deployment of Globalstar’s new constellation – there can be no question as to Globalstar’s intent and ability to construct its replacement system and provide service in a timely manner.

III. GLOBALSTAR AND THE FRENCH REGULATORY AUTHORITY HAVE FULLY COMPLIED WITH THE ITU’S SATELLITE LICENSING PROCESSES.

In its pleadings, Iridium states that “[w]hile Globalstar is free to pursue its future satellite licensing plans through a non-U.S. registration at the ITU, it may only do so if its respects the well-established ITU coordination process.”^{29/} Iridium fails, however, to provide any facts to suggest that either Globalstar or the French regulatory authority, the Agence Nationale Des Frequences (“ANFR”), has failed to do just that.

On May 15, 2009, Globalstar Europe SARL submitted its application to the ANFR seeking authority, on behalf of itself and its ultimate parent company, Globalstar, Inc., to launch the Globalstar 2.0 satellite constellation pursuant to a French-issued registration. After reviewing Globalstar’s submission, ANFR agreed to sponsor Globalstar-2. On July 1, 2009, ANFR, submitted the Globalstar 2.0 constellation registration to the ITU as an Advanced Publication in accordance with Article 9 of the Radio Regulations. The Globalstar 2.0 constellation has been designated HIBLEO-X, and was listed in the ITU’s International Frequency Information Circular (IFIC) (Space

^{28/} See TMI Communications and Company, Limited Partnership and TerreStar Networks Inc.— Application for Review and Request for Stay; TMI Communications and Company, Limited Partnership, Application for Modification of 2 GHz LOI Authorization; TMI Communications and Company, Limited Partnership, and Terrestrial Networks, Inc. Request to Assign Spectrum Reservation, *Memorandum Opinion and Order*, 19 FCC Rcd 12603 at ¶¶ 42-47 (2004) (cited in Iridium Petition at note 21).

^{29/} Iridium Petition at 5.

Services) 2650 on August 11, 2009, in Special Section (ssn) 5745 under ITU-R ID No. 109540513. In accordance with the ITU's regulations, other operators have been granted the right to request coordination with the new constellation; in fact, several, *including Iridium*, have already done so. Thus, Iridium's assertion that either Globalstar or France has failed to follow the ITU's procedures – or that other licensed operators have been denied the ability to request coordination with the Globalstar 2.0 constellation – is factually incorrect and indeed inexplicable.

In light of the fact that both Globalstar and the French regulatory authority have followed proper ITU licensing procedure in registering the Globalstar 2.0 satellite constellation, there is no merit to Iridium's request that the FCC "condition any grant on Globalstar's compliance with the ITU's coordination process and require Globalstar to notify its U.S. customers that it may need to discontinue or alter service depending on the outcome of the coordination process."^{30/} Iridium's efforts to have the FCC hold Globalstar (or for that matter France) to some higher or different standard are unjustified and, more importantly, could place the U.S. in violation of its own treaty obligations to abide by the ITU's spectrum assignment processes and to respect the rights of other sovereign countries to sponsor MSS systems based upon a showing that they will not cause interference to previously-licensed systems. Similarly, Iridium's request that the Commission "take appropriate steps to protect its authority" and "ensure that the U.S. retains priority for its ITU registrations over any later in time filings by a different country" would run counter to established ITU rules and risk placing the U.S. in violation of its ITU commitments to respect the licensing actions of foreign countries.

^{30/} Iridium Petition at 6.

IV. IRIIDIUM HAS PROVIDED NO BASIS FOR CONDITIONING GLOBALSTAR'S ACCESS TO THE U.S. MSS MARKET IN THE MANNER IT HAS REQUESTED.

Iridium further asks that the Commission place wholly unprecedented conditions on Globalstar's authority to access its U.S. earth stations and mobile earth terminals using the Globalstar 2.0 constellation because France has chosen not to authorize Time Division Multiple Access ("TDMA") MSS operations, including Iridium's, in the spectrum below 1621.35 MHz.^{31/} Iridium's request for conditions misstates the Commission's established access policies for non-U.S.-licensed satellite systems and flatly misrepresents facts that are a matter of public record.

A. Iridium Distorts the Commission's *DISCO II* Entry Policies.

As an initial matter, Iridium's pleadings mischaracterize the Commission's standards for conditioning or denying applications for entry into the U.S. market by foreign-licensed satellite providers. In revising the entry requirements applicable to foreign-licensed satellite systems seeking to serve the U.S. market, the Commission adopted a strong "presumption in favor of entry in considering applications to access non-U.S. satellites licensed by WTO Members."^{32/} Under this policy, the Commission "presume[s] that satellite systems licensed by WTO Members" such as France "providing WTO-covered services satisfy the competition component of the [Commission's] public

^{31/} Iridium Opposition at 9; Iridium Petition at 9-12.

^{32/} See Amendment of the Commission's Regulatory Policies To Allow Non-U.S. Licensed Space Stations To Provide Domestic and International Satellite Service in the United States; Amendment of Section 25.131 of the Commission's Rules To Eliminate the Licensing Requirement for Certain International Receive-Only Earth Stations, *Report and Order*, 12 FCC Rcd 24094 (1997) ("*DISCO II Order*") at ¶ 39.

interest analysis.”^{33/} In support of this presumption, the Commission has concluded that entry into the U.S. market by WTO-member satellite systems will “further the Commission's goal of promoting a competitive satellite services market in the United States.”^{34/} “These benefits include greater availability of satellite services from a larger number of providers, more efficient and innovative services, lower prices, higher quality, and, overall, more choices for users and consumers in the selection of satellite services.”^{35/}

Although the Commission indicated that parties may endeavor to rebut the presumption of entry by WTO-member-sponsored systems based on a showing that such entry would cause competitive harm in the United States satellite market, it explicitly stated that it would only attach conditions (or deny an application) in “*exceptional*” cases where entry “*would pose a very high risk to competition.*”^{36/} Examples of such harm include: “market concentration, discrimination, below average variable cost pricing, monopoly supply of service..., or where the applicant has market power and could use that power to raise prices and limit output in the U.S. satellite market”^{37/} Because such harms are particularly unlikely in the market for satellite services, the Commission specifically noted “it has not been necessary to devise or impose competitive safeguards [in the satellite context] other than the rule against exclusive arrangements.”^{38/}

^{33/} *DISCO II Order* at ¶ 39.

^{35/} *Id.*

^{36/} *Id.* at ¶ 41 (emphasis added).

^{37/} *Id.* at ¶ 37.

^{38/} *Id.* at ¶ 41.

Iridium’s pleadings fail to demonstrate how authorizing Globalstar’s U.S.-licensed earth stations and mobile earth terminals to access Globalstar’s replacement constellation could lead to any of the competitive harms the Commission previously has identified. In fact, Iridium fails to identify *any* tangible evidence to suggest that the approval of Globalstar’s Second-Generation System Application would “cause competitive harm in the United States satellite market,” as it is required to do under *DISCO II* before the Commission may even consider conditioning Globalstar’s French-registered satellites’ access to the U.S.^{39/} To the contrary, it is Iridium that has staked out a patently anticompetitive position by attempting to misuse the regulatory process to impede Globalstar’s future provision of service. Because Globalstar is the only operator licensed to provide Big LEO MSS service globally other than Iridium, if Globalstar were prevented from serving the market using its replacement constellation, Iridium would become the monopoly provider in the market for Big LEO MSS services, which appears to be its intent.

At the same time, Iridium has not provided any evidence that France has failed to abide by the market access commitments or other pro-competitive obligations that led the Commission to abandon the ECO-Sat test when considering requests by WTO members to access the U.S. market.^{40/} Iridium has a long history of providing service in France, and has a strong and growing European customer base.^{41/} Iridium’s own website lists no

^{39/} *Id.* at ¶ 39.

^{40/} *Id.*

^{41/} *See, e.g.*, PR Newswire, “Iridium Satellite France telecom Mobiel Partner Services,” June 18, 2002 (“Iridium Satellite LLC...today announced a global distribution agreement with France Telecom Mobile Satellite Communications, a fully-owned

less than *nine* different distributors that offer Iridium products and service in France.^{42/} Iridium has even recently touted the substantial progress it has made in capturing a significant segment of the French market for satellite services.^{43/} Finally – and most ironically – Iridium misleadingly fails to disclose that Iridium is looking to France for help in deploying *its own* replacement constellation: One of the two finalists in the “competition” to bid for the right to manufacture an Iridium replacement constellation is Thales Alenia Space – the same French company that has designed and built Globalstar’s French-registered replacement constellation.^{44/} Iridium also appears to be appealing to France’s export credit agency, Coface, to underwrite the costs of its replacement constellation.^{45/} These initiatives – *none* of which Iridium acknowledges in its pleadings

subsidiary of France Telecom....The agreement further strengthens Iridium’s global distribution network.”).

^{42/} See <http://www.iridium.com/Contact/HowToBuy.aspx> (sorted by France) (last visited April 9, 2010).

^{43/} See, e.g., Science Letter, “CLS Installs the First Iridium-Based Compliant LRIT Terminals Onboard French Flag Ships,” (Feb. 17, 2010).

^{44/} See Iridium Communications, Inc. Form 10-K filed with the United States Securities and Exchange Commission on March 16, 2010 (“Iridium Communications 10-K”) at 17 (“We have since narrowed our search for a prime system contractor to two companies, Lockheed Martin Corporation Space Systems Company and Thales Alenia Space France.”).

^{45/} See “Iridium Faces Uphill Battle To Gain U.S. Export-Import Backing for Lockheed-Built Satellites,” TendersInfo, Euclid Infotech Pvt, Ltd. (Mar. 18, 2010) (“Iridium is reviewing bids by two competitors for the \$2.7 billion Iridium Next constellation of 66 low-orbiting satellites. One is from Lockheed Martin, which Iridium has said it would like to pair with Export-Import Bank support; and the other with Thales Alenia Space of France and Italy, which is assembling a package using up to \$1.5 billion in loan guarantees from France’s export-credit agency, Coface.”); Communications Daily (Apr. 21, 2010) (Iridium’s “discussions with its potential prime contractors, Thales Alenia and Lockheed Martin, and export credit agencies, the U.S. Export-Import Bank and Coface of France, are ongoing.”).

– flatly contradict any notion that Iridium operates at a competitive disadvantage in France or that there is any competitive basis whatsoever on which the Commission might deny or condition Globalstar’s authorizations.

B. Iridium Misrepresents the Facts Relating to the MSS Spectrum Assignments in Europe.

The sole justification Iridium presents in its pleadings for imposing competitive conditions on Globalstar’s authorization to serve the U.S. market from its French-registered satellite constellation is its contention that the Big LEO MSS band plan in France raises “obvious and direct” “anti-competitive effects” and poses “ample risk of competitive harm.”^{46/} However, Iridium has entirely failed to demonstrate how the French MSS band plan can possibly implicate the competitive criteria that the Commission identified in *DISCO II* as justifying a denial of entry into the U.S market by WTO members. More troubling, Iridium’s pleadings blatantly misrepresent the factors that have led France (as well as other European countries) to adopt the MSS band plans that they have.

As an initial matter, Iridium fails to acknowledge in its it pleadings that it aggressively *supported* the MSS band plan in effect prior to the *Modification Order* in France and throughout most of the rest of the World. Soon after the Commission adopted the original MSS Big LEO band plan applicable to U.S.- licensed satellite operators, Iridium’s founder, Motorola, advocated adoption of the U.S. band plan by other licensing administrations.^{47/} Iridium also worked cooperatively with Globalstar and Odyssey (the other CDMA MSS licensee at the time) to secure MSS spectrum assignments in other

^{46/} Iridium Opposition at 11; Iridium Petition at 9.

^{47/} See Document SE28(96)41 (also known as SE40(05)(15) submitted by Motorola, “Sharing Analysis Between CDMA and TDMA Systems” (July 1, 1996).

countries, including France, that would be harmonized with the MSS band plan adopted in the United States.^{48/} In light of these facts, Iridium cannot now plausibly claim that the continued existence of that plan constitutes a “very high risk to competition.”^{49/}

Iridium also makes the unsupported assertion that, because the “French regulatory authorities have gone so far as to require Iridium to prove that its system would not cause interference into ‘CDMA networks,’” authorizing Globalstar’s continued service in the U.S. from its Globalstar 2.0 constellation would pose the type of “exceptional” competitive harm that the Commission must find before it will limit a WTO member’s access to the U.S. satellite market.^{50/} But a country’s requirement that one licensed service not interfere with another licensed service when operating within its borders can hardly be characterized as anticompetitive or otherwise unreasonable conduct that could justify limiting that country’s access to the U.S. satellite market. And in any event, France and other countries have imposed the same non-interference requirement on Globalstar’s operations as well, by requiring that it not cause interference to Iridium’s TDMA operations.

Iridium’s statement that “[t]he French regulatory authorities have a history of denying Iridium equitable access to spectrum in France” similarly misrepresents facts

^{48/} See Iridium LLC News Release, “Globalstar, Iridium, Odyssey Global Mobile Satellite Phone System Operators Sign Spectrum Agreement” (Oct. 16, 1996) (“Our Agreement conforms with the International Telecommunication Union’s frequency authorizations for global mobile systems. We think it provides a workable framework for countries around the world to adopt.”).

^{49/} Iridium Opposition at 10; Iridium Petition at 12.

^{50/} Iridium Petition at 10.

that are a matter of public record.^{51/} As noted, the Big LEO band plan in effect in France was specifically modeled after the one established by the Commission to apply to U.S.-licensed MSS operators, which Iridium actively supported. Iridium’s suggestion that the ANFR has somehow disregarded its demonstration of “increased congestion over its network” by refusing to alter the L-Band MSS spectrum assignments in France is misleading. Although Iridium has failed to cite to any French or European document or other source in support of its statement, it appears to be referring to proceedings before the FCC in 2003-2004 in which Iridium sought access in the Middle East to spectrum then reserved for CDMA operations because of increased congestion on its network because of the Persian Gulf War.^{52/} Those “showings” – which Iridium presented to the FCC (and not, to Globalstar’s knowledge, to the ANFR) – related only to temporary congestion on Iridium’s network in the Middle East, not in Europe.^{53/} They accordingly had nothing to do with Iridium’s operations in France, where to Globalstar’s knowledge Iridium has never submitted any factual showing indicating that network congestion required that it have access to additional spectrum.

In fact, as Iridium is fully aware, the real reason that France and other European countries have been reluctant to allow Iridium to operate its TDMA system below 1621.5 MHz is because of the potential for Iridium’s secondary downlinks to cause harmful interference to Radio Astronomy Service (“RAS”) operations in the 1610.6-1613.8 MHz

^{51/} Iridium Opposition at 10; Iridium Petition at 9-10.

^{52/} See, e.g., Modification of Licenses Held by Iridium Constellation, LLC and Iridium US LP for a Mobile Satellite Service System in the 1.6 GHz Frequency Band, *Order*, 18 FCC Rcd 20023 (Int’l Bur. 2003).

^{53/} *Id.*

band. These concerns were well known to Iridium at the time it was licensed to provide MSS service, and remain just as troubling to regulators and scientists today.^{54/} One of the primary bases for the European Radiocommunication Committee's ("ERC's") recommendations regarding the appropriate MSS band plan in Europe since the MSS service first began has been the need for MSS systems to protect radio astronomy operations.^{55/} For this reason, since the original Big LEO MSS spectrum allocations were established, the ITU's Radio Regulations and ERC member countries have required that MSS services meet certain emission limits in order to prevent interference to the RAS.^{56/} Iridium's compliance with these requirements has always been a matter of concern to the RAS community and European regulators, and there have been numerous complaints in

^{54/} See Application of Motorola Satellite Communications, Inc. for Authority to Construct, Launch, and Operate a Low Earth Orbit Satellite System in the 1616–1626.5 MHz Band, *Order and Authorization*, 10 FCC Rcd. 2268 (1995) at ¶ 14 (“Motorola indicates that it will fully coordinate Iridium's operations with the radio astronomy community.... We...remind Motorola that it will have to terminate operations if unacceptable interference should occur to Radio Astronomy observation.”); 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, *Report and Order*, 9 FCC Rcd. 5936 (1994) at ¶¶ 100-119.

^{55/} See, e.g., ERC Report 50, “ERC Report on Interference Calculations from MSS Satellites into Radio Astronomy Observations,” Moscow, September 1997, at 1, Available at <http://www.ero-docdb.dk/Docs/doc98/official/pdf/REP050.PDF> (the MSS “allocations were identified by the ERC Working Group Spectrum Engineering (WG SE) as eventually constituting a risk of interference to the radio astronomy primary allocations at 1610.6-1613.8 MHz, adjacent to the MSS secondary downlink allocation at 1.6 GHz.”).

^{56/} See, e.g., European Radiocommunications Committee (ERC) Decision of 30 June 1997 on the Harmonised Use of Spectrum for Satellite Personal Communication Services (S-PCS) operating within the bands 1610-1626.5 MHz, 2483.5-2500 MHz, 1980-2010 MHz and 2170-2200 MHz (ERC/DEC/(97)03), available at <http://www.ero-docdb.dk/Docs/doc98/official/pdf/DEC9703E.PDF>, at 3 (Radio Regulation S5.372 requires that harmful interference shall not be caused to stations of the radio astronomy service using the band 1610.6 - 1613.8 MHz by stations of the radio determination-satellite and mobile satellite services in the bands 1610 - 1626.5 MHz.”).

Europe about interference into the RAS service.^{57/} France has played a central role in documenting and reporting the Iridium system's likely interference into the RAS bands for quite some time.^{58/} The French regulatory authority is understandably reluctant to permit TDMA operations below 1621.35 MHz unless and until it is demonstrated that interference can be avoided.

Iridium's contention that its proposed conditions are justified because "France supported the ECC Decision that would allow MSS licensees, in particular Globalstar, to operate on the entire L-band" is also disingenuous.^{59/} In that decision, following extensive analysis and deliberation, the European Communications Office of the CEPT ("ECO," formerly European Communications Committee, or "ECC") chose to eliminate all band segmentation in the Big LEO bands, leaving it to the operators to coordinate

^{57/} See, e.g., German Report of Harmful Interference, March 30, 2006 (referenced in Globalstar's *Ex Parte* Filing in IB Docket 02-364 (filed Feb. 6, 2007) at 3-4; Letter from Markus Schreiber, Bundesnetzagentur, to FCC International Bureau (June 22, 2006) (reporting unwanted emissions from Iridium into the radio astronomy band 1610.6-1613.8 on a daily basis in violation of International Radio Regulations 15.10 and 15.11); Letter from Steve Harding, OfCom, to FCC International Bureau (June 14, 2006) ("measurements carried out in the UK and other CEPT countries have indicated that the Iridium network has continued to operate within the referenced extended frequency band [*i.e.*, outside of its licensed spectrum assignment] in spite of not having received the relevant authorization....We remain very concerned that the Iridium system appears not to be operating in accordance with UK authorization, international agreements and that the operation of Iridium earth stations within the UK is not in accordance with the conditions of the relevant statutory instrument.").

^{58/} See, e.g., Working Group SE of the Electronic Communications Committee SE 40 – Additional Analysis of Iridium Interference to RAS (Nov. 29, 2009) ("The updated analysis by France....provides an estimate of the probability of interference and the expected number of affected 20 KHz channels within the RAS 1610.6-1613.8 MHz band.")

^{59/} Iridium Petition at 10.

their use of the band between themselves.^{60/} As a result, once that decision is implemented, Globalstar *and Iridium* each will have access to all of the L-band spectrum, subject to the requirement that they demonstrate that their operations would not cause harmful interference to other licensed operations. The decision is not, as Iridium suggests, intended to grant Globalstar access to a greater amount of spectrum or provide any competitive benefit to Globalstar as compared to Iridium.

In any event, to the extent that Iridium is displeased with the band plan a particular country has established for MSS operations within its borders, the appropriate avenue for relief is to file a request with that country's licensing administration – not to seek to have the Commission impose conditions in connection with Globalstar's request to continue to serve the U.S. market once its replacement constellation becomes operational. Indeed, Iridium is pursuing that exact path in Germany, where it has unsuccessfully petitioned the country's regulatory authority to conform the band plan in effect in that country to the one in place in the U.S. following the October 2008 *Modification Order*.^{61/} It also is pursuing similar activities in the CEPT member

^{60/} See ECC/DEC(09)(02), Harmonisation of the Bands 1610-1626.5 MHz and 2483.5-2500 MHz Used by Systems in the Mobile-Satellite Service (June 26, 2009), available at <http://www.erodocdb.dk/Docs/doc98/official/Word/ECCDEC0902.DOC> at 4.

^{61/} See, e.g., Letter from Thomas Heutmann, Bundesrepublik Deutschland, to William F. Adler, Globalstar, Inc. Re: Assignment No. 11/2005/BNetzA, Hearing on the Planned Revocation of Frequencies in the band 1618.725-1621.35 (Jan. 4, 2010). Globalstar has only recently received a letter dated April 16, 2010, from the Bundesnetzagentur stating that it will not revoke Globalstar's authority to operate in the 1618.715-1621.35 MHz portion of the band. Globalstar will provide a translation of the letter for the record in this proceeding when it is available.

countries working group.^{62/} Nothing prevents Iridium from doing the same in France (or in any other country in which it disagrees with the existing MSS band plan).

C. Iridium’s Pleadings Ignore ITU Precedent and Conflict with Other Countries’ Sovereign Rights to Regulate the Use of Spectrum Within Their Borders.

At bottom, the alleged “market access” concerns Iridium identifies in its pleadings are nothing more than dissatisfaction with the MSS spectrum allocations established by countries other than the U.S. for application within those countries’ own borders. For all practical purposes, Iridium requests that the Commission hold Globalstar’s application to access the U.S. market with its French-registered satellites hostage because Iridium is unhappy with the manner in which France has chosen to regulate TDMA earth station operations in that country. But France’s authority to determine the spectrum on which Iridium (and any other satellite licensee) may operate its earth stations in France is entirely distinct from Globalstar’s proposed U.S. operations, and should not be a consideration in this (or any other U.S. licensing) proceeding.

The Commission’s recent MSS licensing decisions, as well as Iridium’s *own prior filings* with the Commission, unequivocally confirm that France’s and any other country’s decision whether or not to allow TDMA MSS operations in the spectrum below 1621.35 MHz because of concerns about interference to RAS operations is entirely within its legal authority. In the *Modification Order*, the Commission specifically concluded that while “U.S. Big LEO licensees [such as Iridium] may provide service in other countries only on frequency bands in which the Commission has given them specific authority to operate[,...][w]hether a country chooses to allow such service on

^{62/} See, e.g., CEPT, Electronic Communications Committee, Submission of Iridium to the Working Group FM44, 4 December 2007, Doc. No. FM44(07)38.

these terms is...*a matter for that country to decide.*”^{63/} As the Commission explained, “*we agree with Iridium that earth stations within the territory of another country fall under the jurisdiction of that country*” and that foreign “[c]ountries have full discretion to decide whether to use a U.S.-licensed satellite to provide Big LEO service in their country.”^{64/} Iridium has further confirmed that “[u]nder established law, every sovereign nation generally has the authority to determine whether it will allow a provider to operate an earth station within its territorial borders and to determine the frequencies upon which it may operate those earth stations. The Commission has consistently recognized this fundamental principle of international telecommunications law, and no party to this proceeding – neither Globalstar nor Iridium – disputes this legal conclusion.”^{65/}

Accordingly, the relief Iridium requests is flatly inconsistent with international law, as well as with its own prior statements to the Commission. Indeed, it effectively seeks to insert the Commission into the sovereign decisions of the French licensing authority – a precedent that could then be used by other countries that could refuse to grant licenses for U.S.-sponsored operators unless the Commission were to change some policy with which they disagree. It also would in effect place Globalstar’s Application on hold indefinitely, since Globalstar has no greater ability than Iridium to control or influence individual countries’ MSS licensing decisions.

^{63/} See October 2008 Modification Order at ¶ 23 (emphasis added) (citing Request for Special Temporary Authority, Iridium Constellation, LLC, for a Mobile Satellite System in the 1.6 GHz Frequency Band, *Order*, 18 FCC Rcd 25814 (Sat Div., Int’l Bur. 2003)).

^{64/} *Id.* at ¶ n. 60 (emphasis added).

^{65/} See Opposition of Iridium Satellite LLC to License Protect of Globalstar, Inc. (filed June 16, 2008) at 14-15.

V. GRANT OF GLOBALSTAR'S SECOND-GENERATION SYSTEM APPLICATION WILL NOT VIOLATE THE COMMISSION'S POLICY AGAINST DUAL LICENSING.

Iridium also argues that the grant of Globalstar's Second-Generation System Application "seems to run afoul of the Commission's policy" against dual licensing of space stations.^{66/} Here, too, Iridium throws mud against the wall to see if it will stick. In so doing, Iridium misrepresents the facts contained in Globalstar's Application and misstates the Commission's rules.

In the *DISCO II* proceedings, the Commission concluded that it will not "issue separate (and duplicative) U.S. licenses for those space stations under the jurisdiction of another licensing or coordinating administration," and instead will "license earth stations located within U.S. territory to communicate with particular non-U.S. satellites."^{67/} Globalstar's Second-Generation System Application and its plans for the deployment of Globalstar 2.0 are entirely consistent with these policies. As Globalstar's Application confirmed, Globalstar's second-generation satellite constellation initially will utilize a 32-satellite L- and S-band Walker configuration, consisting of 24 new, French-registered satellites and the eight U.S.-licensed satellites it launched in 2007.^{68/} As Globalstar explained, together those 32 satellites will form the core of Globalstar's second-generation constellation.^{69/} None of these satellites will be subject to dual licensing – each will be registered either in the U.S. or France, but not both.

^{66/} Iridium Opposition at 12; Iridium Petition at 5.

^{67/} See *DISCO II Order* at ¶¶ 183, 188.

^{68/} See Second-Generation System Application at 9.

^{69/} *Id.*

Globalstar has sought authority to modify the operations of its first-generation U.S.-licensed satellite constellation to the extent necessary to allow for the transition to its second-generation constellation – including, in particular, the authority to modify the operations of the eight U.S.-licensed in order to integrate them with second-generation constellation.^{70/} At the same time, Globalstar requested that the Commission modify its U.S. gateway earth station licenses and mobile earth terminal license to authorize communication with the second-generation satellites that will be registered by France.^{71/} Such a request is fully consistent with the Commission’s licensing policies and precedents, whereby the Commission can act to modify existing U.S.-licensed earth stations by granting them the authority to access a foreign-licensed satellite system.^{72/}

VI. THE EXPEDITIOUS GRANT OF GLOBALSTAR’S SECOND-GENERATION SYSTEM APPLICATION WOULD SERVE THE PUBLIC INTEREST.

Finally, Iridium’s pleadings nowhere dispute the substantial public interest benefits that deployment of the Globalstar 2.0 satellite constellation will produce for consumers in the U.S. That, of course, should be the focus of the Commission’s inquiry

^{70/} *Id.* at 12.

^{71/} *Id.* In its Application, Globalstar also requested that the Commission take the ministerial action of modifying its blanket mobile earth terminal license to reflect Globalstar’s previously-granted authority to offer Ancillary Terrestrial Component (“ATC”) services. *Id.* at 24. Iridium has not opposed that request and it should promptly be granted.

^{72/} *See, e.g.,* Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 02-34 and First Report and Order in IB Docket No. 02-54*, 18 FCC Rcd 10760 (2003) at ¶¶ 287-289 (confirming that in cases where a non-U.S.-licensed satellite operator seeks access to the U.S. market through an in-orbit satellite and has initiated international coordination negotiations for that satellite network pursuant to the ITU’s International Radio Regulations, the appropriate procedure is to file an application for a new or modified earth station license to list the non-U.S.-licensed space station as a “point of communication.”).

in this proceeding, not Iridium's legally untenable and factually inaccurate assertions regarding the MSS band plan elsewhere.

As Globalstar has demonstrated, grant of its Second-Generation System Application will serve the public interest by enabling it to provide robust MSS services for the benefit of its current and future customers for the long term.^{73/} Globalstar has deployed a variety of affordable, reliable MSS services, including one- and two-way portable, mobile, and fixed voice and data communications services, satellite data modem services, Simplex personal asset tracking, and remote monitoring services. In addition to supporting all of the services originally offered over Globalstar's first-generation constellation, the second-generation constellation also will make possible a number of additional, affordable, state-of-the-art advanced MSS services, including wireless broadband service, that will benefit Globalstar's current and future customers and dramatically increase competition in the global market for MSS services. Globalstar also has made substantial progress in the deployment of ATC services to augment and enhance its MSS service. These services will prove to be of enormous value to Globalstar's customers and advance the Commission's policy of bringing broadband service to unserved and underserved areas, while at the same time enabling Globalstar to make the most efficient use of its assigned spectrum.

Each of these public interest benefits will accrue regardless of where Globalstar's second-generation constellation is licensed. As noted, it is for this very reason that the Commission has confirmed that foreign-licensed MSS providers are to be granted access to the U.S. market without any of the onerous conditions Iridium advocates here. Under

^{73/} See Second-Generation System Application at 24-33.

this policy, the Commission already has authorized no less than *three other MSS licensees* (Inmarsat, DBSD (formerly ICO Global), and TerreStar) to offer voice and data services in the U.S. using satellites licensed by foreign administrations. By authorizing each of these providers to serve the U.S. market, the Commission has reaffirmed that its “regulatory policies for licensing providers of domestic service using non-U.S.-licensed satellite systems are based on the goals of promoting competition in the United States and in foreign markets.”^{74/}

Iridium has failed to provide any evidence that these goals will not be met through the grant of Globalstar’s Application, or offered any other justifiable reason for holding Globalstar to a higher or different standard than the other foreign-licensed MSS providers authorized to serve the U.S. market. Rather, its opposition to Globalstar’s Second-Generation System Application is simply the latest salvo in its relentless effort to reduce competition in the MSS marketplace by delaying the deployment of Globalstar’s replacement constellation. Iridium’s motives for doing so are obvious given that it has no realistic plans for replacing its own aging constellation. As Iridium has explicitly warned its investors, “we cannot guarantee we will be able to provide [a commercially acceptable] level of service” through 2014 or “through the transition period to Iridium NEXT.”^{75/} Even under Iridium’s own optimistic admission, its theoretical “Iridium NEXT” system would not become operational until sometime in 2017 – three years after

^{74/} See, e.g., Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Service in the United States, *Report and Order*, 12 FCC Rcd 24094 (1997).

^{75/} See Iridium Communications 10-K at 21-22.

its existing constellation will cease to provide reliable service,^{76/} and almost five years after its space station license expires.^{77/} At the same time, Iridium now admits, despite its explicit statements otherwise to the Commission when it sought approval for the GHL transaction that closed less than a year ago,^{78/} that it has *no* funding to pay for a replacement constellation. Although Iridium estimates the “aggregate costs associated with the design, build and launch of Iridium NEXT...to be approximately \$2.7 billion,” it has acknowledged there “can be no assurance that our internally generated cash flows will meet our current expectations or that we will be able to obtain sufficient external capital to fund Iridium NEXT.”^{79/} Given the real questions that have now materialized as to whether Iridium will even be operating in the next few years, its request for conditions on Globalstar’s second-generation operating authority are all the more dubious.

^{76/} See, e.g., “Iridium NEXT Satellite Constellation – All Systems GO – On Schedule for Launch,” available at <http://www.iridium.com/About/IridiumNEXT.aspx> (last visited April 22, 2010).

^{77/} According to Iridium’s public filings, its fifteen-year constellation “license term began on or about May 5, 1997, the date the first satellite was in orbit and the first transmission occurred.” See Iridium LLC, Form 10-K405 filed with the United States Securities and Exchange Commission on March 31, 1999, at 19. In its most recent public statements, Iridium has suggested that it does not even plan to “begin launching” its replacement constellation until “late 2014.” See “Iridium Names Thomas J. Fitzpatrick as CFO,” Press Release (Apr. 5, 2010), available at <http://investor.iridium.com/releasedetail.cfm?ReleaseID=456570> (last visited April 22, 2010).

^{78/} In its Public Interest Statement in support of the proposed Iridium-GHL Acquisition Corp. transaction, Iridium stated that “[t]he cash received by Iridium in this transaction, together with cash generated from Iridium’s growing operations, will provide a substantial portion of the cash necessary to fund Iridium NEXT.” See Iridium Carrier Services LLC, FCC Form 312, Exhibit F at 2 (filed Oct. 21, 2008). In retrospect, that appears not to have been the case.

^{79/} See Iridium Communications 10-K at 20.

Iridium has spent the past several years trumpeting the degrading nature of Globalstar's first-generation satellites in order to obtain an advantage before the Commission and in the MSS marketplace.^{80/} With the launch and placement into operation of Globalstar's new constellation, that opportunity is rapidly drawing to a close, as Globalstar is set to reemerge as a viable, long-term presence in the market for MSS services. Far worse for Iridium, however, its own satellites are now reaching the end of their functional life, and Iridium has no plans or financing to replace them. The Commission accordingly must view Iridium's pleadings for what they are: a final and desperate attempt to foreclose competition in the MSS marketplace by indefinitely delaying the deployment of Globalstar's second-generation constellation.

VII. CONCLUSION

For all of the foregoing reasons, the Commission should deny Iridium's petition to deny and expeditiously grant Globalstar's Second-Generation System Application to ensure that Globalstar can proceed with the launch and operation of its second-generation system, which is now scheduled to begin less than five months from now.

Respectfully submitted,

/s/ Anthony J. Navarra

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President – Global Operations
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^{80/} See, e.g., Iridium Satellite LLC *Ex Parte* Letter in IB Docket No. 02-264 (filed April 11, 2007) (As part of its meeting with Commission staff, Iridium “discussed the condition of Globalstar, Inc.’s satellite system.”); “Iridium Extends and Expands Trade-Up Program,” Press Release (July 20, 2009) *available at* <http://investor.iridium.com/releasedetail.cfm?releaseid=429124> (last visited April 23, 2010) (“Iridium launched the *Trade-Up to Iridium* initiative in January 2008 to provide an opportunity for customers affected by the well-publicized degradation of Globalstar's satellite voice service to take advantage of Iridium's high network quality and global coverage.”).

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April 26, 2010

ENGINEERING CERTIFICATION

I hereby certify under penalty of perjury that I am the technically qualified person responsible for preparation of the engineering information contained in the foregoing “Opposition of Globalstar to Petition to Deny” (“Opposition”); that I am familiar with the relevant sections of the FCC’s rules referred to in the Opposition; and that the technical information set forth in the Opposition is true and correct to the best of my knowledge and belief.

Signed this 26th day of April, 2010

/s/ Paul A. Monte

Paul A. Monte,
Vice President, Engineering & Product Development
Globalstar, Inc.

CERTIFICATE OF SERVICE

I, Josh Roland, do hereby certify that on April 26, 2010, I caused a true and correct copy of the foregoing Opposition of Globalstar to Petition to Deny to be served on the following parties:

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