

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

In the Matter of)	
)	
GLOBALSTAR LICENSEE LLC, GUSA)	
LICENSEE LLC, AND GCL LICENSEE LLC)	
)	
Application for Modification of	)	File No. SAT-AMD-20091221-00147
Nongeostationary Mobile Satellite Service)	
System License (S2115) To Launch a Second-)	
Generation System)	
)	
Application for Modification of Mobile	)	File Nos. SES-AFS-20091221-01601
Satellite Service Earth Station Licenses and	)	SES-AFS-20091221-01607
Mobile Earth Terminal Licenses To Authorize	)	SES-MFS-20091221-01602
Communications with Second-Generation	)	SES-MFS-20091221-01603
System and To Incorporate Previously-Granted	)	SES-MFS-20091221-01604
Ancillary Terrestrial Component Authority	)	SES-MFS-20091221-01605
	)	SES-MFS-20091221-01606
	)	SES-MFS-20091221-01608
	)	SES-MFS-20091221-01609
	)	SES-MFS-20091221-01610
	)	SES-MFS-20091221-01611
	)	SES-MFS-20091221-01612
	)	SES-MFS-20091221-01613
	)	SES-MFS-20091221-01614
	)	SES-MFS-20091221-01615
	)	SES-MFS-20091221-01616
)	SES-MFS-20091221-01617
)	SES-MFS-20091221-01618
)	
)	

PETITION TO DENY OF IRIDIUM SATELLITE LLC

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April 16, 2010

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)	SES-MFS-20091221-01614
)	SES-MFS-20091221-01615
)	SES-MFS-20091221-01616
)	SES-MFS-20091221-01617
)	SES-MFS-20091221-01618
)	
)	

PETITION TO DENY OF IRIDIUM SATELLITE LLC

Iridium Satellite LLC (“Iridium”), by its attorneys and pursuant to 47 C.F.R. § 25.154, petitions to deny the Amendment and Application¹ filed by Globalstar Licensee

¹ *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 Nos. SAT-MOD-*

LLC, GUSA Licensee LLC, and GCL Licensee LLC (“Globalstar”) in the above-captioned matters.² Globalstar’s Amendment and Application withdraws Globalstar’s pending request for the FCC to license the launch and operation of additional non-geostationary Big LEO mobile satellite service (“MSS”) satellites and seeks FCC authority to (1) change the operating parameters of existing U.S. satellites during a transition period and (2) modify Globalstar’s U.S. gateway earth station and mobile earth terminal licenses to authorize communications, including ancillary terrestrial component (“ATC”) services, with French-registered, “second-generation” MSS satellites.

As detailed below, Globalstar has engaged in a concerted pattern of ignoring or attempting to evade the Commission’s spectrum allocation decisions, the Commission’s governing spectrum band plan for Big LEO systems, and the Commission’s express licensing decisions. Absent conditions to ensure that Globalstar will cease ongoing violations and comply with its obligations prospectively, there is no basis for concluding that the public interest will be served by grants of its above-captioned applications that are motivated in large part by its desire to evade U.S. requirements by becoming a

20080904-00165, SAT-AMD-20091221-00147, SES-AFS-20091221-01601, SES-AFS-20091221-01607, SES-MFS-20091221-01602, SES-MFS-20091221-01603, SES-MFS-20091221-01604, SES-MFS-20091221-01605, SES-MFS-20091221-01606, SES-MFS-20091221-01608, SES-MFS-20091221-01609, SES-MFS-20091221-01610, SES-MFS-20091221-01611, SES-MFS-20091221-01612, SES-MFS-20091221-01613, SES-MFS-20091221-01614, SES-MFS-20091221-01615, SES-MFS-20091221-01616, SES-MFS-20091221-01617, SES-MFS-20091221-01618 (filed Dec. 21, 2009) (“Globalstar Amendment and Application”).

² On March 17, 2010, the Commission issued a public notice for Globalstar’s earth station applications, *Satellite Radio Communications Applications Accepted for Filing*, Public Notice, Report No. SES-01226 (Mar. 17, 2010), and on March 19, 2010, the Commission issued a public notice for Globalstar’s space station application, *Satellite Space Applications Accepted for Filing*, Public Notice, Report No. SAT-00673 (Mar. 19, 2010). Iridium files this Petition to Deny as a single filing to address the common substantive issues raised by the above-captioned applications.

French-authorized satellite system. Accordingly, the Commission should either deny the applications or grant them subject to stringent and enforceable compliance conditions.

I. INTRODUCTION AND SUMMARY

In 2008, after protracted rulemaking proceedings, Iridium received from the FCC expanded exclusive spectrum rights and some additional shared spectrum rights in L-band spectrum previously licensed only to Globalstar.³ Globalstar first sought judicial review of the Commission's reallocation decision and then attempted to forestall or limit any modification of its and Iridium's licenses. Both attempts failed. The U.S. Court of Appeals rejected Globalstar's challenge to the rulemaking decision, and over one year ago, the Commission rejected Globalstar's license protest efforts.⁴ In modifying Globalstar's and Iridium's licenses, the Commission refused to set aside the reallocation decision or to limit the reallocation to spectrum uses to and from the United States only.⁵

Rather than comply with the Commission's legally effective actions and the express provisions of its modified MSS license, Globalstar continued to use the spectrum reallocated exclusively to Iridium while simultaneously seeking special temporary

³ *Spectrum and Service Rules for Ancillary Terrestrial Components in the 1.6/2.4 GHz Big LEO Bands; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, Second Order on Reconsideration, Second Report and Order, and Notice of Proposed Rulemaking, 22 FCC Rcd 19733, ¶ 1 (2007) ("MSS Reallocation Order").

⁴ *Globalstar, Inc. v. FCC*, 564 F.3d 476 (D.C. Cir. 2009); *Globalstar Licensee LLC, Call Sign S2115, Modification of Authority to Operate a Mobile Satellite Service System in the 1.6 GHz Frequency Band*, Order of Modifications, 23 FCC Rcd 15207 (2008) ("October 15th Modification Order") (modifying Globalstar's license despite Globalstar's objections).

⁵ *See October 15th Modification Order*.

authority (“STA”) and a waiver to do so.⁶ Although the International Bureau expressly informed Globalstar of its obligations to comply with the reallocation decision pending any action on the STA and waiver request,⁷ Globalstar ignored the warning. To this day (nearly a year and a half after the license modification became effective), Globalstar appears to have operated in clear, knowing, and willful violation of its license terms, the Commission’s reallocation decision, and the International Bureau’s directive.

Globalstar now seeks to end run the reallocation decision by transitioning from a U.S.-registered satellite system to a French-registered satellite system. Globalstar seeks authority to begin its “next generation” operations using a 32-satellite constellation consisting of “24 new satellites and [] 8 satellites launched in 2007.”⁸ The 8 satellites launched in 2007 are licensed by the Commission to serve as in-orbit spares for Globalstar’s first generation system.⁹ The 24 new satellites, which “are functionally identical to those that comprise Globalstar’s first-generation constellation,”¹⁰ would be licensed exclusively by France. Exactly how this mix of U.S.-registered and French-

⁶ See Globalstar Licensee LLC and GUSA Licensee LLC – Request for Waiver and Request for Special Temporary Authority, FCC File No. SAT-STA-20081215-00231 (filed Dec. 15, 2008) (requesting waiver of the *October 15th Modification Order* to use its channels 8 and 9 outside the U.S.); Letter from William Adler, Globalstar, Inc. to Marlene H. Dortch, FCC (filed Aug. 17, 2009) (narrowing the waiver request to three gateways in Russia).

⁷ Letter from Roderick K. Porter, FCC, to William T. Lake, Counsel to Globalstar LLC, Call Sign S2115 (filed Dec. 17, 2008).

⁸ Globalstar Amendment and Application at 9.

⁹ *Id.* at 4.

¹⁰ *Id.* at 5.

registered satellites will work is uncertain. Indeed, the plan seems on its face to run afoul of the Commission's policy against dual licensing.¹¹

As the Commission sorts out the complicated uncertainties created by Globalstar's proposal, it should take all necessary actions to maintain the effectiveness of its orders. Iridium submits this petition to deny because grant of the applications cannot be found to serve the public interest unless and until the FCC's spectrum reallocation and licensing decisions are recognized and enforced. Indeed, compliance conditions are essential because the goal of the applications is to evade compliance by Globalstar becoming licensed solely by France in the future. To the extent the Commission grants Globalstar's earth and space station applications, such grant should include conditions that:

- Ensure compliance with the *MSS Reallocation Order* and the terms of Globalstar's U.S. license for all of its current and future in-orbit space stations;
- Ensure France grants Iridium authorization to allow mobile earth stations in France to access Iridium's satellites using the full range of L-band spectrum allocated to Iridium by the Commission;
- Commit the Commission to granting Iridium reciprocity and access to operate internationally in the 1610-1617.775 MHz L-band spectrum currently allocated to Globalstar in the event that France grants Globalstar the authority to operate its

¹¹ The Commission does not license space stations that are licensed by another administration. See generally *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 and 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, ¶¶ 183, 187-188 (1997) ("*Disco II Order*"); *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*, Notice of Proposed Rulemaking, 11 FCC Rcd 18178, ¶¶ 13-14 (1996) ("*WTO Implementation NPRM*"). As the Commission has explained, dual licensing of space stations is "redundant," "time-consuming," and "wasteful," *WTO Implementation NPRM* ¶ 14, and "would raise issues of national comity" and "issues regarding international coordination responsibilities." *Disco II Order* ¶ 188.

“second-generation” MSS satellites internationally in the spectrum allocated exclusively to Iridium by the Commission; and

- Ensure that Globalstar’s space stations licensed by France coordinate with U.S.-licensed space stations having higher ITU priority.¹²

II. ANY GRANT OF GLOBALSTAR’S APPLICATIONS WOULD NOT SERVE THE PUBLIC INTEREST IN THE ABSENCE OF CONDITIONS TO ENSURE GLOBALSTAR’S IMMEDIATE AND CONTINUING COMPLIANCE WITH THE FCC’S SPECTRUM ALLOCATION AND LICENSING DECISION.

A clear purpose of Globalstar’s applications is to evade and negate the global effect of the FCC’s reallocation and licensing decisions by becoming a French-registered system. Globalstar has conceded as much. One of the business reasons Globalstar identified in support of its decision to have France, rather than the United States, license its future satellites is that the U.S. space station license would not provide “enough global L-band capacity.”¹³ Globalstar’s unhappiness with U.S. spectrum allocation and licensing policies, however, does not mean that Globalstar should be permitted to ignore the U.S. spectrum authority derived from decisions registered through the ITU coordination process.

The Commission should take appropriate steps to protect its authority and the effectiveness of its orders. The FCC can and should continue to make efforts to ensure that the U.S. retains priority for its ITU registrations over any later in time filings by a different country. And to the extent the Commission grants Globalstar’s applications, it should impose the conditions described below.

¹² Iridium’s specific proposed draft conditions are discussed below and appended as Attachment A.

¹³ Globalstar Amendment and Application at 6 (citing *October 15th Modification Order*).

A. The Commission Should Impose Conditions Requiring Globalstar’s Compliance with the *MSS Reallocation Order* and Globalstar’s Existing U.S. Satellite License.

Given Globalstar’s continuing disregard for the Commission’s authority,¹⁴ the FCC should, as a prerequisite to and condition of any grant, require Globalstar to operate in full compliance with its existing U.S. satellite license—including ceasing to operate all currently in-orbit satellites on spectrum in the 1618.725-1621.35 MHz band outside the United States. The FCC should also include reporting and monitoring requirements to ensure that Globalstar fully complies with this condition. Only by doing so can the Commission finally give effect to the public interest findings that underlay its reallocation of spectrum to Iridium and, importantly, demonstrate that licensees cannot flout its rules with impunity.

As the applicant for a license modification, Globalstar bears the burden of demonstrating that granting its applications would serve the public interest.¹⁵ It is difficult to imagine how Globalstar can meet that burden where, absent conditions, violations of the Commission’s rules would certainly continue upon grant. Globalstar’s public interest narrative makes no mention of coming into compliance with the spectrum

¹⁴ See *Globalstar Licensee LLC, GUSA Licensee LLC, and GCL Licensee LLC, Application for Modification of License for Operation of Ancillary Terrestrial Component Facilities; 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 Nos. SAT-MOD-20080516-00106, SAT-MOD-20080904-00165, SAT-AMD-20091221-00147, Motion to Hold Globalstar Applications in Abeyance (filed Dec. 31, 2009) (“Iridium Motion to Hold in Abeyance”) (outlining Globalstar’s numerous violations).

¹⁵ See 47 U.S.C. §§ 308(a), (b), 309(a), (e); 47 C.F.R. § 25.117 (2009).

limits or technical requirements of its existing U.S. space station license.¹⁶ To the contrary, Globalstar concedes that grant of its pending waiver request would be necessary to condone its current use of the spectrum between 1618.725 and 1621.35 MHz in Russia and foreshadows that “at some point in the future once its second-generation ground network becomes operational, Globalstar may require the ability to operate above 1618.725 MHz from one or more additional gateways outside the United States.”¹⁷ Globalstar also acknowledges that it lacks FCC authority for “ongoing modifications to the operations of its U.S.-licensed satellites.”¹⁸ These and other Globalstar violations of FCC requirements are documented in the “Motion to Hold Globalstar Applications in Abeyance” filed on December 31, 2009 by Iridium.¹⁹

The Commission has ample authority to condition a grant of Globalstar’s application on compliance with its existing U.S. licensee obligations—including operating satellites only on their assigned spectrum and in approved orbital planes. The Communications Act gives the Commission broad authority to grant applications for license modifications subject to any conditions necessary to the public interest.²⁰ Consistent with that authority, the Commission has often imposed conditions when

¹⁶ See Globalstar Amendment and Application at 24-33.

¹⁷ *Id.* at 11, n.17.

¹⁸ *Id.* at 12.

¹⁹ See Iridium Motion to Hold in Abeyance, *supra* note 14.

²⁰ See, e.g., 47 U.S.C. §§ 4(i), 303(r) (“[T]he Commission from time to time, as public convenience, interest, or necessity requires shall— . . . prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act.”); see also *id.* § 316(a)(1) (authorizing the Commission to modify any license “if in the judgment of the Commission such action will promote the public interest, convenience, and necessity”).

granting applications in order to promote the public interest.²¹ Here, conditions designed to stop Globalstar from violating its U.S. satellite license obligations and to ensure continuing compliance would plainly serve the public interest.

B. The Commission Should Condition Globalstar’s Access to Earth Stations in the U.S. Market on Reciprocal Access for Iridium’s Mobile Earth Terminals in the French Market Throughout Iridium’s FCC-Licensed Spectrum.

Although the Commission presumes that satellites licensed by World Trade Organization (“WTO”) member nations should be allowed to enter the U.S. market, that presumption may be rebutted where there is a risk to competition.²² The Commission has expressly reserved the right to condition or deny applications for market access, even those by applicants licensed in WTO member nations, in cases where existing safeguards would not prevent “anticompetitive harm in the U.S. market for satellite services” or “in the exceptional case in which grant [of the application] would pose a very high risk to competition.”²³

The unique circumstances presented here provide ample risk of competitive harm for the FCC to condition Globalstar’s U.S. market access on reciprocity from France for Iridium. The French regulatory authorities have a history of denying Iridium equitable

²¹ See, e.g., *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, ¶¶ 42-47 (2004) (conditionally granting a request for modification of certain satellite license milestones, subject to strict conditions that the Commission found would increase the commitment to complete the system and thus protect the public interest).

²² *Disco II Order* ¶¶ 39-41.

²³ See *id.* ¶ 41.

access to spectrum in France. For example, since 2004, when Iridium first demonstrated increased congestion over its network, the French regulatory authorities have denied Iridium access to any additional portion of the L-band, including the portion of the band that the Commission has reallocated from Globalstar to Iridium. The French regulatory authorities have gone so far as to require Iridium to prove that its system would not cause interference into “CDMA networks” (Globalstar) even on spectrum that is licensed by the by the relevant ITU registering administration (the United States) exclusively to TDMA networks (Iridium). Indeed, it is Iridium’s understanding that France supported the ECC Decision that would allow MSS licensees, in particular Globalstar, to operate on the entire L-band, subject to operator-to-operator coordination, instead of endorsing the spectrum division approved by the FCC.

Globalstar’s efforts to register its next-generation satellites with France will only exacerbate Iridium’s competitive disadvantage in France and other European countries. The past activities of the French regulatory authorities already pose legal and practical barriers that limit Iridium’s ability to compete effectively in France and, to the extent that they influence the market access decisions of other Administrations, in Europe more broadly. If Globalstar is able to secure from the French government a license to use the 7.775 MHz of spectrum that the FCC has assigned to Iridium’s exclusive use, Iridium could permanently lose access to some or all of that spectrum in France (and elsewhere), subjecting it to a further competitive disadvantage.

Finally, Globalstar’s pattern and practice of ignoring FCC orders and rules poses an additional threat to competition in the U.S. market and internationally. In determining whether granting U.S. market access to a non-U.S. licensed space station would harm

competition, the Commission has specifically noted a “concern[] with the impact of granting an authorization to an applicant that is unlikely to abide by the Commission’s rules and policies.”²⁴ In particular, “[t]he past behavior of an applicant may indicate that it would fail to comply with the Commission’s rules and, as a result, could damage competition in the U.S. market and otherwise negatively impact the public interest.”²⁵ Globalstar’s past behavior clearly indicates that it would fail to comply with the Commission’s rules²⁶ and, thus, granting Globalstar’s application poses a very high risk to competition.

For all these reasons, the Commission should condition authority for U.S. gateway and mobile earth stations to access Globalstar’s non-U.S.-licensed, “second-generation” satellites on a reciprocal grant of authority by France to Iridium. In fact, given that France will be well-positioned to influence decisions made by Administrations throughout Europe, the Commission should also consider conditioning market access on reciprocal grants of authority throughout the European Union. Imposing a reciprocity condition would be an appropriate response to the competitive concerns presented by Globalstar’s application. Indeed, the Commission is already familiar with and employs a reciprocity test to ensure competition when considering market access for satellites licensed by non-WTO member countries. Section 25.137 of the Commission’s rules expressly requires that “[e]arth station applicants ... requesting authority to operate with a non-U.S. licensed space station to serve the United States must ... demonstrat[e] that

²⁴ *Disco II Order* ¶ 42.

²⁵ *Id.* (adding, “We find that such conduct demonstrates that an entity is likely to evade our rules and thus may pose a very high risk to competition.”).

²⁶ *See* Iridium Motion to Hold in Abeyance, *supra* note 14.

U.S. licensed satellite systems have effective competitive opportunities to provide analogous services in ... [t]he country in which the non-U.S. licensed space station is licensed.”²⁷ Globalstar’s statement that reciprocal competitive opportunities need not exist where the proposed non-U.S. licensing country is, as here, a WTO member does not undermine the Commission’s authority to require reciprocity to address the very high risk to competition presented in this case.²⁸

C. The Commission Should Protect U.S.-Licensed Space Stations That Have ITU Priority.

Up to this point, the Iridium and Globalstar systems have been U.S.-licensed, and coordination has been governed by the Commission’s rules and policies for coordination between U.S. operators. If Globalstar operates a system that is licensed by France, however, these rules and policies would no longer apply. Rather, coordination would be subject to ITU procedures under which systems that lack date priority are required to coordinate with systems that have date priority.

The U.S. has ITU date priority over France in the 1610-1626.5 MHz band. Accordingly, the Commission should not grant U.S. landing rights for Globalstar’s space stations licensed by France until Globalstar has coordinated with any operators licensed by the FCC on Globalstar’s frequencies.

²⁷ 47 C.F.R. § 25.137.

²⁸ Globalstar Amendment and Application at 20-21.

D. The Conditions Should Be Clear and Effective

In light of the foregoing, the Commission should impose the following conditions on any grant of Globalstar's applications²⁹:

Globalstar's authorization shall automatically terminate in the event any of the following three conditions are not met by the specified date:

1. Within 30 days of the effective date of this Order, Globalstar files a certification that (a) all currently in-orbit satellites and earth stations do not operate on spectrum in the 1618.725-1621.35 MHz band, including outside the United States, and (b) all current and future in-orbit satellites and earth stations will not operate in the future, absent Commission authorization, on spectrum in the 1618.725-1621.35 MHz band, including outside the United States.
2. Within one year of the effective date of this Order, (a) Globalstar submits information sufficient to demonstrate authorization by the Republic of France [and all members of the European Union] for Iridium Satellite LLC to use all of its FCC-licensed spectrum and (b) the Commission determines that grant of United States market access to Globalstar satisfies the effective competitive opportunities (ECO-Sat) standard such that any very high risk to competition is mitigated.
3. Within three months of the effective date of this Order and every six months thereafter, Globalstar submits information sufficient to demonstrate its compliance with its FCC space station and earth station authorizations, as conditioned herein.

In addition, the Commission should include conditions requiring that Globalstar's space stations licensed by France be coordinated with U.S.-licensed space stations with higher ITU priority and addressing the possibility that Globalstar nevertheless succeeds in receiving authority through France to operate in Iridium's spectrum internationally.³⁰ To protect the effectiveness of its order allocating that spectrum to Iridium's exclusive use

²⁹ These conditions are also set forth in Attachment A.

³⁰ Globalstar expects to receive a French authorization to operate "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." Globalstar Amendment and Application at 6, n.11.

internationally, the Commission should commit to granting Iridium reciprocity and access to operate internationally in the L-band spectrum currently allocated to Globalstar at 1610-1617.775 MHz:

4. If France grants Globalstar the authority to operate its “second-generation” constellation internationally in the spectrum allocated exclusively to Iridium by the Commission, the Commission will grant Iridium reciprocity and access to operate internationally in the 1610-1617.775 MHz L-band spectrum currently allocated to Globalstar.

III. CONCLUSION

For the foregoing reasons, Iridium respectfully petitions to deny and seeks conditions on any grant of Globalstar’s Amendment and Application.

Respectfully submitted,

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April 16, 2010

Counsel to Iridium Satellite LLC

ATTACHMENT A

Proposed License Conditions on Grant of Globalstar's Application for Modification of its Satellite and Earth Station Licenses

Globalstar's authorization shall automatically terminate in the event any of the first three conditions below are not met by the specified date:

1. Within 30 days of the effective date of this Order, Globalstar files a certification that (a) all currently in-orbit satellites and earth stations do not operate on spectrum in the 1618.725-1621.35 MHz band, including outside the United States; and (b) all current and future in-orbit satellites and earth stations will not operate in the future, absent Commission authorization, on spectrum in the 1618.725-1621.35 MHz band, including outside the United States.
2. Within one year of the effective date of this Order, (a) Globalstar submits information sufficient to demonstrate authorization by the Republic of France [and all members of the European Union] for Iridium Satellite LLC to use all of its FCC-licensed spectrum and (b) the Commission determines that grant of United States market access to Globalstar satisfies the effective competitive opportunities (ECO-Sat) standard such that any very high risk to competition is mitigated.
3. Within three months of the effective date of this Order and every six months thereafter, Globalstar submits information sufficient to demonstrate its compliance with its FCC space station and earth station authorizations, as conditioned herein.
4. If France grants Globalstar the authority to operate its "second-generation" constellation internationally in the spectrum allocated exclusively to Iridium by the Commission, the Commission will grant Iridium reciprocity and access to operate internationally in the 1610-1617.775 MHz L-band spectrum currently allocated to Globalstar.

AFFIDAVIT OF DONNA BETHEA-MURPHY

I, Donna Bethea-Murphy, am the Vice President of Regulatory Engineering for Iridium Satellite LLC (“Iridium”). I hereby declare under penalty of perjury that I am qualified to speak on behalf of Iridium and that I have reviewed the preceding Opposition submitted on behalf of Iridium, and the factual statements therein are complete and accurate to the best of my knowledge, information, and belief.

/s/ Donna Bethea Murphy

Donna Bethea Murphy
Vice President – Regulatory Engineering
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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2010 I caused a true and correct copy of the foregoing to be served by first-class mail, unless noted otherwise, on the following:

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