

**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
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REPLY OF IRIDIUM SATELLITE LLC

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May 3, 2010

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I. INTRODUCTION AND SUMMARY

Iridium Satellite LLC (“Iridium”), by its attorneys and pursuant to 47 C.F.R. § 25.154, hereby replies to the opposition of Globalstar Licensee LLC, and GCL Licensee LLC (“Globalstar”) to Iridium’s Petition to Deny the Amendment and Application¹ in the above-captioned matters.² Globalstar’s Opposition confirms that any grant of its Amendment and Application should be conditioned in order to ensure that the public interest is served. *First*, Globalstar concedes that it operates outside of the terms of its space station license and violates FCC rules. *Second*, Globalstar makes clear that its proposal is unworkable and cannot satisfy both the FCC’s licensing requirements and its policy against dual licensing. *Third*, Globalstar’s stated intention to operate its French-licensed satellites outside the United States on spectrum that the FCC reassigned to Iridium would be inconsistent with any possible outcome in the International Telecommunication Union (“ITU”) coordination process pursuant to which the United

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-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 Iridium filed both an initial Opposition to Globalstar’s Amendment and Application, Opposition of Iridium Satellite LLC (filed Dec. 31, 2009) (“Iridium Opposition”), and a Petition to Deny, Petition to Deny of Iridium Satellite LLC (filed Apr. 16, 2010) (“Iridium Petition”). In response to both pleadings, Globalstar filed an Opposition. Opposition of Globalstar to Petition to Deny (filed Apr. 26, 2010) (“Globalstar Opposition”).

States has unequivocal priority rights. Accordingly, the Commission should take all necessary actions to maintain the effectiveness of its orders and rules. To the extent the Commission grants Globalstar's earth and space station applications, such grant should include the conditions outlined in Iridium's Petition and set forth in Section III below.

II. GLOBALSTAR'S OPPOSITION CONFIRMS THE APPROPRIATENESS OF IMPOSING THE REQUESTED CONDITIONS ON ANY GRANT OF ITS APPLICATION

In its Opposition, Globalstar admits to multiple violations of the Commission's rules and demonstrates a lack of respect for Commission authority. The Opposition also makes clear that Globalstar's existing proposal is inconsistent with the Commission's policy against dual licensing and with proper ITU coordination process. As the applicant for a license modification, Globalstar bears the burden of demonstrating that granting its applications would serve the public interest.³ 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.

A. Globalstar Acknowledges That It Has Been and Continues to Be in Violation of the Commission's Rules

Globalstar's Opposition confirms that it has no intention of coming into compliance with the spectrum limits or technical requirements of its existing U.S. space station license.⁴ To the contrary, Globalstar admits that it has not "fully compl[ied]" with

³ See 47 U.S.C. §§ 308(a), (b), 309(a), (e); 47 C.F.R. § 25.117 (2009).

⁴ See Globalstar Opposition at 4; *see also 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) ("Modification Order") (modifying Globalstar's license according to the Commission's *MSS Reallocation Order* despite Globalstar's objections); *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*

the *Modification Order's* terms.⁵ And Globalstar concedes, yet again, 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.⁶ Despite claiming that it has made “good faith and transparent”⁷ efforts to comply, Globalstar makes no mention of how and whether it responded to a letter sent by the International Bureau to Globalstar reminding it to operate in full compliance with its licenses pending action on its waiver and STA requests.⁸ Additionally, Globalstar’s statement that its “satellites receive in the L-band, they do not transmit,”⁹ does not excuse its obligation to comply with all the frequency requirements specified in the license, including those in the Earth-to-space direction.

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*”).

⁵ Globalstar Opposition at 4.

⁶ Globalstar Opposition at 3; Iridium has previously documented Globalstar’s noncompliance on several occasions. *See, e.g., Globalstar Licensee LLC, GUSA Licensee LLC, Modification of Authority to Operate a Mobile Satellite System in the 1.6 GHz Frequency Band*, Call Sign S2115, Call Sign E970381, File No. SAT-STA-20081215-00231, Petition to Deny of Iridium Satellite LLC (filed Jan. 21, 2009); *Globalstar Licensee LLC, GUSA Licensee LLC, Modification of Authority to Operate a Mobile Satellite System in the 1.6 GHz Frequency Band*, Call Sign S2115, Call Sign E970381, File No. SAT-STA-20081215-00231, Reply of Iridium Satellite LLC (filed Feb. 9, 2009); *Globalstar Licensee LLC, GUSA Licensee LLC, Application for Modification of Nongeostationary Mobile Satellite Service System License (S2115) To Launch a Second-Generation System*, Call Sign S2115, File No. SAT-MOD-20080904-00165, Petition to Deny of Iridium Satellite LLC (filed May 18, 2009).

⁷ Globalstar Opposition at 6.

⁸ Letter from Roderick K. Porter, Deputy Bureau Chief, International Bureau, FCC, to William T. Lake, Counsel to Globalstar LLC, Call Sign S2115 (filed Dec. 17, 2008).

⁹ Globalstar Opposition at 9.

B. Globalstar Reveals For the First Time That It Applied for French Space Station Authority Before the FCC Began to Accept Comments on its Already Moot FCC Application and Waited Eight Months to File the Required Section 1.65 Amendment.

Globalstar states for the first time that it filed for French space station authority for the same satellites that were the subject of its pending FCC Second Generation Application on May 15, 2009,¹⁰ several days before the Commission began to accept comments on its pending application on May 18, 2009.¹¹ Globalstar previously asserted just the opposite: “Globalstar had not made a final decision to register its second-generation satellites with France at the time Iridium filed its petition to deny and reply in connection with Globalstar’s original application.”¹² Therefore, aside from violating Section 1.65 of the Commission’s rules—Globalstar’s amendment was due no later than June 15, 2009—Globalstar’s failure to file a timely amendment also wasted Commission resources.¹³ During the eight-month delay, the International Bureau staff continued their review of the application for completeness, placed it on public notice, and accepted three

¹⁰ Globalstar Opposition at 10; see *Globalstar Licensee LLC, GUSA Licensee LLC, Application for Modification of Nongeostationary Mobile Satellite Service System License (S2115) To Launch a Second-Generation System*, Call Sign S2115, Modification Application of Globalstar Licensee LLC (filed Aug. 29, 2008) (“Second Generation Application”).

¹¹ Iridium filed its Petition to Deny Globalstar’s Second Generation Application on May 18, 2009, and its reply in support of that petition on June 4, 2009. See Iridium Petition to Deny Globalstar Second Generation Application; *Globalstar Licensee LLC, GUSA Licensee LLC, Application for Modification of Nongeostationary Mobile Satellite Service System License (S2115) To Launch a Second-Generation System*, Call Sign S2115, File No. SAT-MOD-20080904-00165, Reply of Iridium Satellite LLC (filed June 4, 2009).

¹² Globalstar Opposition to Iridium Motion to Hold Globalstar Applications in Abeyance, File No. SAT-AMD-20091221-00147 at 8 (filed Jan. 11, 2010).

¹³ See 47 C.F.R. § 1.65 (“Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application . . .”).

rounds of comments on the moot application, all while Globalstar was masking its true intentions.

C. Globlastar’s Proposal Cannot Satisfy Both the FCC’s Licensing Requirements and Its Policy Against Dual Licensing and Is Unworkable.

Globalstar argues that its U.S.-licensed satellites will comply with FCC requirements because they will comply with the U.S. band plan.¹⁴ But if the U.S. and French-licensed satellites are considered separately, then Globalstar’s plan to have only eight U.S.-licensed satellites cannot meet the FCC’s MSS geographic coverage requirements.¹⁵ Accordingly, it seems that Globalstar plans to consider its U.S. and French-licensed satellites to be a single constellation for the purposes of meeting applicable U.S. licensing criteria. If this is the case, then Globalstar’s plan violates the FCC’s policy against dual licensing, which the Commission has explained raises “issues of national comity” and “issues regarding international coordination responsibilities.”¹⁶

In addition, Globalstar’s proposal is unworkable. Under Globalstar’s proposal there would be a constellation of satellites that are constantly changing their position relative to the earth, but some of the satellites would be under US jurisdiction and others would be under French jurisdiction. If an interference issue were to arise or there were

¹⁴ Globalstar Opposition at 8.

¹⁵ See 47 C.F.R. §§ 25.143, 25.149. Indeed, due to “degradation of the first generation constellation cause by the S-band subsystem antenna anomalies,” many satellites in Globalstar’s first generation constellation cannot meet these requirements. See Amendment and Application at 29.

¹⁶ *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*, 12 FCC Rcd 24094, 24106 (¶ 88) (1997) (“DISCO IP”); see also *Amendment of the Commission’s Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provided Domestic and International Satellite Service in the United States*, Notice of Proposed Rulemaking, 11 FCC Rcd 18178, ¶¶ 13-14 (1996).

an orbital emergency, confusion inevitably would ensue. These circumstances are readily distinguishable from cases in which different administrations have licensed separate payloads on a satellite (*e.g.*, a C-band payload and a Ku-band payload on a geostationary satellite). Those payloads were operationally independent; Globalstar's satellites are inextricably intertwined.

D. Globalstar's Proposal to Operate Its French-Licensed Satellites on Iridium's Spectrum Outside the United States is Inconsistent with Adherence to the ITU Coordination Process.

As discussed in Iridium's Petition, the Iridium and Globalstar systems have, up to now, been U.S.-licensed.¹⁷ Therefore, coordination between the two systems has been governed by the FCC's rules and policies for coordination between U.S. operators. If Globalstar operates a system licensed by France, however, these coordination rules and policies would no longer apply. Instead, coordination would be governed by ITU procedures, and these procedures provide that, after a satellite system has been registered with the ITU, any subsequently-registered system must coordinate its operations with the previously-registered system and show that its operations will not cause interference to the previously-registered system.

Globalstar's Opposition only raises additional questions about its intention to comply with the ITU coordination process going forward and thus confirms that the FCC should impose conditions that will protect U.S.-licensed space stations. In its Opposition, Globalstar admits that France filed the registration for its constellation on July 1, 2009.¹⁸ This shows that Globalstar's French-licensed system would be second in time to the registration associated with Iridium's U.S.-licensed system. As such, ITU procedures

¹⁷ See Iridium Petition at 12.

¹⁸ See Globalstar Opposition at 10.

require Globalstar to coordinate its operations with Iridium and to show that its operations will not cause interference to Iridium's system.

However, the Opposition does not make it clear that Globalstar is committed to abiding by the ITU process in the future. On the one hand, Globalstar states that it has—up to now—complied with proper ITU procedures,¹⁹ and Iridium appreciates Globalstar's willingness to do so. But in terms of its future compliance with the ITU's first-in-time requirement, Globalstar has not made a similar representation. Rather, Globalstar has acknowledged that registering its satellites with France will enable access to the entire portion of the L-band—including spectrum that is licensed exclusively to Iridium under the FCC's *Modification Order*—and that Globalstar would otherwise have inadequate L-band capacity.²⁰ At a minimum, then, there is a clear and yet to be reconciled tension between these two positions. Either Globalstar intends to continue to comply with ITU procedures and coordinate with Iridium or it intends to use its non-U.S. licensed satellites to obtain access to spectrum that was previously-registered with the ITU for Iridium and other U.S. licensed operators. If it is the latter, then this would be a violation of ITU procedures.

E. Globalstar Acknowledges That France Has Not Yet Provided Iridium Full Landing Rights.

As an initial matter, Iridium agrees with Globalstar that France, like all other nations, has authority to regulate landing rights within its own jurisdiction.²¹ However, Globalstar attempts to confuse the important issues involved in this proceeding by

¹⁹ See *id.* at 10-11.

²⁰ See *id.* at 7; see also Amendment and Application at 6.

²¹ See Globalstar Opposition at 22.

contending that Iridium is asking the FCC unlawfully to interfere with the sovereign decisions of the French licensing authority.²² This is not correct. What is at issue in this proceeding is the *FCC's* authority to regulate landing rights within its own jurisdiction—that is, the ability of non-U.S. licensed satellites to access earth stations located within the U.S. And the FCC's decision in *DISCO II* recognizes that, consistent with these principles of U.S. and international law, the FCC can condition the right of a foreign-licensed satellite to enter the U.S. market on the foreign nation granting a U.S.-licensed system reciprocal rights.²³

To date, however, France has not granted Iridium landing rights to use the spectrum the FCC reassigned to Iridium. And, as explained more fully in the Petition, Iridium's limited market access places it at a competitive disadvantage.²⁴ Globalstar's Opposition only confirms these points.

III. THE PROPOSED CONDITIONS ARE APPROPRIATE, NECESSARY, AND CONSISTENT WITH COMMISSION PRECEDENT

Given Globalstar's lack of compliance with Commission rules and the critical problems raised by its proposal, the Commission should impose the requested conditions on any grant of the Amendment and Application. As an initial matter, the Commission has ample authority to impose the requested conditions.²⁵ In evaluating Globalstar's

²² See *id.* at 22-23.

²³ See Iridium Petition at 9-12; see also *DISCO II*, ¶¶ 39-44; cf. 47 C.F.R. § 25.137.

²⁴ See Iridium Petition at 9-12.

²⁵ The Act empowers the Commission to modify any license “if in the judgment of the Commission such action will promote the public interest, convenience, and necessity. 47 U.S.C. § 316(a)(1). 47 U.S.C. § 303(r); see also 47 U.S.C. § 4(i) (“The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions”).

request to access non-U.S. satellites licensed by a WTO member, U.S. law requires the Commission to determine whether granting the application is in the public interest.²⁶ If it is not, U.S. law requires the Commission to deny the application or impose the conditions necessary to cure the public interest harms that would otherwise result.²⁷

Specifically, as Iridium’s Petition discusses,²⁸ the FCC will condition or deny an application for market entry submitted by an applicant licensed in a WTO member nation when there is “a very high risk to competition.”²⁹ *DISCO II* is clear that an applicant’s lack of compliance with FCC rules and policies is enough to warrant the denial or conditional grant of an application.³⁰ As part of the competition component of the public interest analysis, the FCC stated that it was “concerned with the impact of granting an authorization to an applicant that is unlikely to abide by the Commission’s rules and policies.”³¹ The FCC determined that the “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 lead to other public interest harms.³² In light of Globalstar’s track record of ignoring or otherwise violating FCC rules, orders, and license

²⁶ See *DISCO II*, ¶ 29.

²⁷ *DISCO II*, ¶¶ 41-42. The Act empowers the Commission to modify any license “if in the judgment of the Commission such action will promote the public interest, convenience, and necessity. 47 U.S.C. § 316(a)(1). 47 U.S.C. § 303(r); see also 47 U.S.C. § 4(i) (“The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions”).

²⁸ See Iridium Petition at 10-11.

²⁹ *DISCO II*, ¶¶ 39-42.

³⁰ See *id.*

³¹ *Id.*

³² *Id.*

conditions,³³ it is not surprising that the company decided to omit any reference to this important consideration. By choosing to say nothing on this point, Globalstar has left Iridium's showing un-rebutted.³⁴ Therefore, Globalstar has not carried its burden of showing that an unconditional grant of its Application would be in the public interest.

Indeed, the Commission routinely imposes conditions on licensees that have a track record showing failure to comply with the Commission's rules.³⁵ And the Commission regularly monitors compliance with conditions placed on licensees.³⁶ As

³³ *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).

³⁴ In its Petition, Iridium established that an unconditional grant of Globalstar's Application would result in two primary forms of competitive harm within the meaning of *DISCO II*. First, granting the Application would exacerbate the competitive disadvantages Iridium is facing in certain European countries. Iridium Petition at 9-10. Second, Iridium established that an unconditional grant of the Application would lead to the types of competitive harms discussed in *DISCO II* because of Globalstar's past behavior and history of violating FCC rules, orders, and license conditions. Iridium Petition at 10-11. Thus, under *DISCO II*, the presumption in favor of finding that there will be no anticompetitive harms flowing from this proceeding has been rebutted, and the burden is on Globalstar to make an affirmative showing that the competitive harms component of the public interest inquiry has been met.

³⁵ *See, e.g., MobileMedia Corporation, et al.*, Memorandum Opinion and Order, FCC 97-197 (rel. June 6, 1997) (placing stays on and conditioning approval of numerous licenses because of the involvement of key management officials in large-scale wrongdoing).

³⁶ *See, e.g., GTE Corp., Transferor and Bell Atlantic Corp., Transferee*, Memorandum Opinion and Order, 15 FCC Rcd 14032, ¶ 38 (2000) (requiring independent auditor to ensure compliance with conditions); *Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee*, 14 FCC Rcd 14712, Attachment A, ¶ 65 (1999) (establishing compliance plan to monitor ongoing compliance with conditions); *Applications of Nextel Communications Inc. and Sprint Corp.*, Memorandum Opinion

such, Globalstar’s record of rule violations makes clear that any decision to grant its application should include conditions that will remedy the anticompetitive harms that would otherwise flow from approving Globalstar’s request—including conditions that the FCC can and should impose to maintain the effectiveness of the public interest determinations it made in the *MSS Reallocation Order* and in the *Modification Order*. For example, conditions requiring France to provide reciprocal market access before grant of Globalstar’s applications are warranted to remedy any competitive disadvantage.³⁷ In addition, the FCC’s rules require U.S. licensees to follow the ITU coordination process,³⁸ and the FCC frequently imposes conditions requiring non-U.S. licensees to do the same.³⁹

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

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

and Order, 20 FCC Rcd 13967, Statement of Commissioner Copps (2005) (noting that the Commission would monitor compliance with merger conditions).

³⁷ *DISCO II*, ¶¶ 39-44; cf. 47 C.F.R. § 25.137.

³⁸ 47 C.F.R. § 25.111(b) (“Any radio station authorization for which [ITU] coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments with other Administrations.”).

³⁹ See, e.g., *Star One S.A. Petition for Declaratory Ruling to Add the Star One C5 Satellite at 68° W.L. to the Permitted Space Station List*, Order on Reconsideration, 23 FCC Rcd 10896 ¶ 6 (2008) (conditioning Brazilian space station’s market access on protections to space stations with higher ITU priority); *Loral Spacecom Corporation, Petition for Declaratory Ruling to Add Telstar 13 to the Permitted Space Station List*, Order, 18 FCC Rcd 16374, ¶ 31 (2003) (same for a Papua New Guinea-authorized space station).

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.

IV. 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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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 Reply 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
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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 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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