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Satellite Division
International Bureau

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

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Iridium Satellite LLC and)
Iridium Carrier Services LLC)
Mobile Earth Station Modification Applications)
)
)
Special Temporary Authority)

File Nos. SES-MOD-20050927-01329,
SES-MOD-20050927-1330,
SES-AMD-20051222-01791 &
SES-AMD-20051222-01792
File Nos. SES-STA-20050930-01349 &
SES-STA-20050930-01350

OPPOSITION TO SECOND PETITION TO DENY

Pursuant to Section 25.154(c) of the Commission's rules, 47 C.F.R. § 25.154(c), Iridium Satellite LLC and Iridium Carrier Services LLC (collectively, "Iridium") oppose the second petition ("Second Petition") of Globalstar LLC ("Globalstar"), filed on February 3, 2006, requesting denial of the above-captioned modification applications ("Applications") to add amplifier equipment to the mobile satellite service ("MSS") handsets authorized under Iridium's existing blanket mobile earth terminal ("MET") licenses.¹ The Commission should dismiss the Second Petition as procedurally defective. Alternatively, the Commission should deny the Second Petition on its merits because the issues raised in the petition have been fully resolved by Iridium's prior filings in this proceeding.

As an initial matter, the Second Petition is untimely filed and not permitted under the Commission's rules. Globalstar previously filed a petition to deny ("First Petition") the

¹ See Globalstar Second Petition at 1 (Feb. 3, 2006).

Applications on November 14, 2005,² in response to the Commission's public notice of the filing of the Applications.³ Pursuant to the Commission's grant of an extension request, Iridium timely filed both an opposition to the First Petition and minor amendments ("Minor Amendments") to the Applications on December 22, 2005.⁴ The Commission also extended the filing deadline for Globalstar's reply until January 20, 2006, but Globalstar chose not to file a reply.

Although the Commission, on January 4, 2006, issued a public notice accepting the filing of the Minor Amendments, the public notice did not establish an additional period for filing petitions to deny or comments.⁵ Section 25.154(a)(2) of the Commission's rules requires petitions to deny and comments to be filed "within thirty (30) days after the date of public notice announcing the acceptance for filing of the *application or major amendment* thereto."⁶ As Iridium noted, the Minor Amendments are not "major amendments," as defined under Section 25.116(b) of the Commission's rules, 47 C.F.R. § 25.116(b), because they do not seek any changes that would increase the potential for interference, modify the proposed operating frequencies or orbital locations, or have a significant environmental effect.⁷ Globalstar does not dispute this and, in fact, acknowledges that the Minor Amendments "provide reduced power,

² See Globalstar First Petition at 1 (Nov. 14, 2005).

³ See FCC Public Notice, Satellite Communications Services, Report No. SES-00756 (Oct. 12, 2005).

⁴ See Iridium Opposition to Petition to Deny (Dec. 22, 2005); Iridium Amendments (Dec. 22, 2005).

⁵ See FCC Public Notice, Satellite Communications Services, Report No. SES-00781 (Jan. 4, 2006).

⁶ 47 C.F.R. § 25.154(a)(2) (emphasis added).

⁷ See Attachment to Iridium Carrier Amendment, at 1-2; Attachment to Iridium Satellite Amendment, at 1.

antenna gain, and effective isotropic power ... levels.”⁸ Thus, because the Minor Amendments are not “major amendments,” the Commission’s rules do not permit Globalstar an additional period to file another petition to deny, and the Second Petition therefore should be dismissed on this ground alone.

Should the Commission address this procedurally defective petition on its merits, the Second Petition should be denied because it merely rehashes issues that have been fully resolved. First, Globalstar continues to argue that the Applications “seek more extensive use of spectrum than is currently authorized,”⁹ even though Iridium repeatedly has stated that “[t]he Applications do not seek any changes to the frequencies authorized under Iridium’s existing MSS and MET licenses.”¹⁰ As previously explained, Iridium’s existing blanket MET license authorizes MSS handsets that are “capable of operating in the 1616-1626.5 MHz frequency band.”¹¹ In granting this authority, the Commission distinguished between authorizing Iridium METs to transmit on certain frequencies and authorizing them to have the “capability of transmitting across a broader spectrum segment, 1616-1626.5 MHz.”¹² The Commission concluded that the latter “comports with the terms of the space-segment license “ and “is consistent with the Commission’s declaration ... that licensees would [be] given authority to construct systems capable of operating across the entire band allocated for the pertinent system architecture.”¹³ Thus, consistent with the terms of Iridium’s existing blanket MET license, the proposed equipment will

⁸ See Globalstar Second Petition at 2.

⁹ *Id.* at 3.

¹⁰ Iridium Opposition to First Petition at 2.

¹¹ *U.S. Leo Services, Inc.*, 11 FCC Rcd 20474, ¶ 17 (Int’l Bur. 1996) (emphasis added).

¹² *Id.* ¶ 15.

¹³ *Id.*

be constructed to be *capable* of operating within the 1616-1626.5 MHz band, but will re-transmit only on frequencies on which Iridium METs already are authorized to operate.¹⁴

Second, Globalstar does not allege that operation of the proposed equipment will violate any emission limits or technical rules, but rather claims that the equipment will cause harmful interference to Globalstar's MSS operations, based upon an interference analysis that has no support in the Commission's rules.¹⁵ Globalstar does not dispute that the proposed equipment, as modified pursuant to the Minor Amendments, will operate at a peak effective isotropic radiated power ("EIRP") level lower than that of an ordinary Iridium handset, and therefore will be even more benign, from an interference perspective, than an ordinary Iridium handset.¹⁶ Despite this lower risk of harmful interference, Globalstar offers no justification for imposing interference standards that are more stringent than those that apply to existing Iridium handsets.¹⁷

Finally, Globalstar requests that the Commission deny any further requests for extension of Iridium's special temporary authority to operate the proposed equipment because the

¹⁴ Although Globalstar contends that Iridium has failed to coordinate use of the 1618.25-1621.35 MHz band with Globalstar, this proceeding is not the proper forum for addressing this claim. Because the proposed equipment merely re-transmits on frequencies on which the Iridium METs already are operating, Commission approval of the proposed equipment will have no impact on Iridium's existing or future use of the 1618.25-1621.35 MHz band.

¹⁵ See Globalstar Second Petition at 4.

¹⁶ See Iridium Opposition to First Petition at 3-5.

¹⁷ Globalstar also claims that "[i]t is unclear from Iridium's applications whether or not the repeaters will repeat more than one carrier, and ... if the reported EIRP is per carrier or if it is the total EIRP for the device." Globalstar Second Petition at 5. As Iridium stated in its Opposition to the First Petition, "[t]he combination of these factors will reduce the maximum EIRP from the proposed equipment (spread evenly over one, two or three Iridium carriers), to a level no greater than +10.3 dBW." Iridium Opposition to First Petition at 4-5. This makes it clear that the equipment may repeat more than one carrier, but that the total EIRP of the equipment is 10.3 dBW.

underlying Applications, on their face, are not grantable.¹⁸ As demonstrated above, however, Globalstar has provided no technical details that justify denial of either the Applications or requests for STA extensions.¹⁹ Moreover, Iridium successfully has been operating the proposed equipment under its STA for more than a year without incident. A sudden discontinuance of the existing STA operations would disserve the public interest and cause unnecessary disruptions for Iridium customers that have come to rely upon the equipment for their communications needs.

Commission action upon the Applications, filed more than a year ago, is long overdue. The Commission must not permit any further delay that would deprive Iridium customers, including U.S. military and public safety organizations, of innovative equipment that serve to enhance MSS communications capabilities during critical military operations and public safety missions. Based upon the foregoing, Iridium urges the Commission to reject the Second Petition and to grant the Applications.

Respectfully submitted,

IRIDIUM SATELLITE LLC and
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February 16, 2006

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¹⁸ See Globalstar Second Petition at 5.

¹⁹ Globalstar alternatively requests that future STA grants should limit Iridium's operations to the 1621.35-1626.5 MHz band. *Id.* As discussed above, however, the proposed equipment re-transmits only on frequencies on which Iridium METs already are authorized to operate. Thus, it would be inappropriate to restrict operation of the proposed equipment to a narrower frequency band than is authorized under Iridium's existing blanket MET license.

CERTIFICATE OF SERVICE

I, Christopher E. Ryan, hereby certify that on February 16, 2006, a copy of the foregoing **OPPOSITION** was served by U.S. first class, postage pre-paid mail, or as otherwise indicated below, upon the following parties:

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