

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In re: the Matters of)	
)	
New DBSD Satellite Service G.P.,)	IB Docket No. 11-149
<i>Debtor-in-Possession</i>)	
)	
and)	SES-MOD-20110822-00985
)	
TerreStar Licensee Inc.,)	SES-MOD-20110822-00983
<i>Debtor-in-Possession</i>)	
)	
Requests for Rule Waivers and Modified Ancillary)	
Terrestrial Component Authority)	

COMMENTS OF THE U.S. GPS INDUSTRY COUNCIL

The U.S. GPS Industry Council (the “Council”), by its attorneys and pursuant to Section 25.154(a) of the Commission’s Rules (47 C.F.R. § 25.154(a)) and the Public Notice released September 15, 2011,¹ hereby comments on the above-captioned applications filed by New DBSD Satellite Service G.P., debtor-in-possession (“New DBSD”), and TerreStar Licensee Inc., debtor-in-possession (“TerreStar”). Both New DBSD and TerreStar seek waivers of the “integrated service” requirement of Section 25.149(b)(4) of the Commission’s Rules (47 C.F.R. § 25.149(b)(4)) in order to permit modification of their current mobile-satellite service (“MSS”) ancillary terrestrial component (“ATC”) authorizations to allow provision of services to users equipped with single-mode, terrestrial-only terminals.²

¹ See FCC Public Notice, “New DBSD Satellite Service G.P., Debtor-in-Possession, and TerreStar Licensee Inc., Debtor-in-Possession, Request for Rule Waivers and Modified Ancillary Terrestrial Component Authority,” DA 11-1555, released September 15, 2011.

² Both companies also seek waivers of the MSS ground spare requirement (47 C.F.R. § 25.149(b)(2)(ii), as well as other MSS ATC technical rules. The Council does not address these requests here.

The waivers requested here by New DBSD and TerreStar would enable provision of a new terrestrial mobile broadband service in spectrum that is suited to such use. Importantly, it appears that introducing the operation of a terrestrial mobile broadband service of the type envisioned by New DBSD and TerreStar in the 2 GHz MSS/ATC bands should be able to occur without posing a significant threat of harmful interference to receivers operating with the U.S. Global Positioning System (“GPS”) in the radionavigation-satellite service allocation in the 1559-1610 MHz band. In this last regard, the New DBSD and TerreStar requests follow the Commission’s April 2011 Order adding co-primary terrestrial Fixed and Mobile allocations in the 2 GHz band, which the Commission observed would “lay the groundwork for more flexible use of the band, including for terrestrial broadband services.”³ Having already conducted the necessary rulemaking proceeding and made an informed policy decision to establish a framework for terrestrial operations in the 2 GHz band, the Commission is now appropriately positioned to act favorably on the New DBSD and TerreStar waiver requests.

The decision to add Fixed and Mobile allocations in the 2 GHz band was made based on a full record regarding the technical and other policy considerations impacting the use of this frequency band. While the Council understands that other policies affecting terrestrial

³ *Fixed and Mobile Services in the Mobile-Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz*, 26 FCC Rcd 5710, 5710 (2011) (“2 GHz MSS R&O”). The Council filed comments in that docket that did not take issue with the proposed 2 GHz spectrum allocation change, but nonetheless counseled careful implementation of all such allocation changes in order to avoid harmful interference to existing services, specifically those using GPS. See Comments of the U.S. GPS Industry Council in Response to Notice of Proposed Rulemaking and Notice of Inquiry, ET Docket No. 10-142, filed September 15, 2010. The Council has sought reconsideration of the 2 GHz MSS R&O with respect to matters unrelated to the 2 GHz Fixed and Mobile allocation. See Petition for Reconsideration of the U.S. GPS Industry Council, ET Docket No. 10-142, filed June 30, 2011.

wireless use of the band remain under consideration and thus may require specific comment,⁴ it has no objection to grant of the requested waivers of the MSS ATC integrated service requirement in order to allow New DBSD and TerreStar to offer new terrestrial service consistent with the broader spectrum utilization now permitted in their licensed bands.

Respectfully submitted,

U.S. GPS INDUSTRY COUNCIL

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⁴ See FCC Public Notice, "Spectrum Task Force Invites Technical Input on Approaches to Maximize Broadband Use of Fixed/Mobile Spectrum Allocations in the 2 GHz Range," DA 11-929, released May 20, 2011.

CERTIFICATE OF SERVICE

I, Sharon A. Krantzman, do hereby certify that on this 17th day of October, 2011, I sent via first class, postage prepaid mail, a copy of the foregoing “Comments of the U.S. GPS Industry Council” to each of the following:

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