

NO FAA NOTIFICATION REQUIRED

Pursuant to Section 25.115(j) of the Commission's rules, no notification of the Federal Aviation Administration ("FAA") or submission of FCC Form 854 is required in connection with the instant application to modify GUSA Licensee LLC's (together with its parent Globalstar, Inc., "Globalstar's") feeder link earth station antenna operating in Wasilla, Alaska, under call sign E050345.¹ The proposed modification does not involve any alteration of the overall height of the existing earth station antenna structure for this licensed facility, and therefore does not trigger the requirements of Section 25.115(j).² While Globalstar proposes to deploy and operate a second-generation earth station antenna manufactured by Cobham SATCOM under call sign E050345, it will utilize the same radome for this deployment as currently used in conjunction with its existing first-generation antenna. Accordingly, there will be no change to any aspect of the external structure of this licensed gateway antenna earth station facility.³

If the Commission determines that Section 25.115(j) requires notification of the FAA and submission of FCC Form 854 in conjunction with the proposed modification, despite the absence of any change whatsoever to the external structure of the licensed antenna, Globalstar respectfully requests waiver of these and related requirements⁴ pursuant to Section 1.3 of the Commission's rules.⁵ Given that the proposed modification involves no height increase or other alteration to the antenna's external structure, Globalstar's requested relief would not undermine the underlying policy interest in protecting aviation safety, and would promote the public interest by streamlining and expediting the instant earth station application process.⁶

¹ 47 C.F.R. § 25.115(j).

² *Id.* (applying relevant requirements to "new fixed earth station[s] or modification[s] involving alteration of the overall height of one or more existing earth station antenna structures . . .").

³ When Globalstar in November 2005 applied for initial authority to operate this earth station antenna in Wasilla, Alaska, it notified the FAA and submitted FCC Form 854 as required under the Commission's rules. Globalstar USA, LLC Application for Earth Station Authorization, File No. SES-LIC-20051122-01631 (filed Nov. 22, 2005); 47 C.F.R. §§ 17.4, 17.7, & 25.113. The registration number for this antenna is 1251332, the owner FCC Registration Number (FRN) for this antenna is 0004341426, and the FAA Study Number for this facility is 2005-AAL-330-OE. The Commission authorized this gateway antenna under call sign E050345 on January 4, 2007. *Satellite Communications Services Information re: Actions Taken*, Public Notice, Report No. SES-00890 at 7-8 (Jan. 10, 2007).

⁴ 47 C.F.R. §§ 17.4, 17.7, & 25.113.

⁵ 47 C.F.R. § 1.3.

⁶ *See, e.g., WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990) (holding that waiver of the Commission's rules may be granted in instances when the relief requested would not undermine the policy objective of the rule in question and where the particular facts make strict compliance inconsistent with the public interest if applied to the petitioner).