

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

LightSquared Technical Working
Group Report

IB Docket No. 11-109

**COMMENTS
OF THE
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION
(CCIA)**

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EXECUTIVE SUMMARY

LightSquared has invested billions of dollars to develop a wholesale, nationwide 4G LTE mobile broadband network. The network will utilize both satellite and terrestrial components to deliver wholesale mobile broadband services over its licensed L-Band spectrum.

LightSquared has a long history of cooperating with the GPS industry to address the susceptibility of some legacy GPS devices that receive out-of-band transmissions from LightSquared's terrestrial base stations.

Recently, after the conclusion of testing conducted by the Air Force Space Command at the direction of the PNT ExCom, NTIA concluded that the susceptibility of legacy GPS devices to LightSquared's base stations could not be mitigated. In response, the FCC issued a Public Notice proposing actions that would foreclose LightSquared's ability to deploy its planned mobile broadband network.

CCIA urges the Commission to reconsider its proposed actions and instead work with LightSquared to find a solution to any remaining interference issues. Moreover, CCIA is concerned that the testing on which NTIA relies was not performed in an objective manner, thus compromising the test results. LightSquared is able and willing to work with the Commission, in a transparent manner, to reach a technical solution to these issues so that it can fully deploy its mobile broadband network as soon as possible.

Failure to allow LightSquared to move forward with its planned deployment will set a flawed precedent for spectrum policy and create regulatory uncertainty, discouraging future investment in wireless infrastructure and mobile broadband and likely reducing revenues from future spectrum auctions. The Commission's proposed

actions constitute unsound policy, are fiscally unwise, and will needlessly forgo the significant public interest benefits of LightSquared's planned network.

Working with LightSquared so it can launch its nationwide 4G LTE network will allow the Commission to achieve several of its stated goals, including promoting competition in the mobile broadband market, expanding access to high-speed broadband to nearly all Americans, and increasing the amount of spectrum available for mobile broadband services. The Commission's proposed actions will block LightSquared's deployment and preclude the public interest benefits of mobile broadband and prevent the Commission from meeting its stated goals.

CCIA urges the Commission to set aside its proposed actions and work with LightSquared to resolve any remaining interference issues so that LightSquared can deploy its network.

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The Computer & Communications Industry Association (“CCIA”),¹ pursuant to the Commission’s Public Notice,² files these Comments regarding the National Telecommunications and Information Administration’s (“NTIA”) letter,³ submitted to the Federal Communications Commission (“FCC” or “Commission”) on February 14, 2012, concerning the results of additional government testing of potential interference with global positioning system (“GPS”) devices resulting from LightSquared’s proposed terrestrial operations. CCIA questions the reliability of the testing results on which NTIA relies and opposes the actions proposed by the Commission in its Public Notice. The Commission’s proposed actions will set a precedent for flawed spectrum policy, create regulatory uncertainty, and will discourage future investment in spectrum and mobile broadband infrastructure. Time and again LightSquared has worked with the GPS industry to address interference issues that are not of LightSquared’s making. Rather than blocking LightSquared’s ability to deploy its nationwide, wholesale 4G mobile broadband network, CCIA requests the Commission work with LightSquared to continue toward resolving any remaining interference issues and allow LightSquared to deploy its proposed wholesale, nationwide 4G LTE broadband network. By working with

¹ CCIA is a nonprofit membership organization representing companies in the computer, Internet, information technology, and telecommunications industries. Together, CCIA’s members employ nearly half a million workers and generate approximately a quarter of a trillion dollars in annual revenue.

² *International Bureau Invites Comment on NTIA Letter Regarding LightSquared Conditional Waiver*, IB Docket No. 11-109, DA 12-214 (“Public Notice”) (Feb. 15, 2012).

³ Letter from The Hon. Larry Strickling, Assistant Secretary for Communications and Information and Administrator, NTIA, U.S. Dept. of Commerce, to The Hon. Julius Genachowski, Chairman, FCC (Feb. 14, 2012) (“NTIA Letter”).

LightSquared and other parties to find a solution to any unresolved interference issues, the Commission can meet its goals of increasing competition in the mobile broadband market, expanding mobile broadband access to unserved and underserved Americans, and making additional spectrum available for mobile broadband.

I. THE COMMISSION’S PROPOSED ACTIONS WILL CREATE PRECEDENT FOR FLAWED SPECTRUM MANAGEMENT POLICY

Failure by the Commission to reach a solution that allows LightSquared to deploy its wholesale mobile broadband network will undermine the goals of the *National Broadband Plan* and create a dangerous precedent for spectrum management policy that essentially honors “squatters’ rights” on valuable spectrum already licensed to other parties.⁴ The Commission’s proposed actions create regulatory uncertainty regarding spectrum usage rights and licenses that will have ramifications throughout the telecommunications market for years to come.

A. LightSquared’s Planned Operations are Consistent with Its License and the U.S. Table of Frequency Allocations

As LightSquared has made clear, its planned operations in the MSS band are fully consistent with its license, the U.S. Table of Frequency Allocations, the Commission’s service rules, and technical standards developed over the last decade involving significant collaboration with the GPS industry.⁵ LightSquared’s transmissions operate within its

⁴ See IB Docket No. 11-109, Comments of the Computer & Communications Industry Association (“CCIA”) at 10-11 (July 29, 2011); Reply Comments of CCIA at 7-8 (Aug. 15, 2011).

⁵ See *In the Matter of LightSquared Subsidiary LLC Request for Modification of its Authority for an Ancillary Terrestrial Component*, LightSquared Petition for Declaratory Ruling, IB Docket No. 11-109 at 10-29 (Dec. 20, 2011) (“Petition for Declaratory Ruling”).

spectrum band and at appropriate power levels as determined by Commission rules.⁶ Any susceptibility that GPS receivers have to LightSquared's terrestrial base stations are caused by the fact that those devices were inappropriately designed to "listen in" to out-of-band transmissions.⁷

In fact, LightSquared has worked to cooperate with the GPS industry to find a solution to interference problems, even proposing to delay deployment on the upper 10 MHz of its spectrum while it works with GPS manufacturers and government stakeholders to resolve lingering interference issues.⁸

B. Failure to Work with LightSquared and Allow it to Deploy Will Deter Future Investment in Mobile Broadband

As LightSquared detailed in its Recommendation, it has invested billions in reliance on prior Commission rulemakings and precedents, and lined up over \$20 billion more to launch its nationwide network.⁹ Should the Commission adopt its proposed actions, much of LightSquared's unprecedented investment will likely be lost.

If LightSquared's investment is lost in this manner, the Commission's message to potential bidders in upcoming spectrum auctions will be loud and clear – purchasing and clearing spectrum for the purpose of delivering mobile broadband services is a particularly risky investment and there is no guarantee of regulatory certainty. Other

⁶ *In the Matter of LightSquared Subsidiary LLC Request for Modification of its Authority for an Ancillary Terrestrial Component*, Recommendation of LightSquared Subsidiary LLC, IB Docket No. 11-109, SAT-MOD-20101118-00239 at 1-2 (June 30, 2011) ("Recommendation of LightSquared").

⁷ *Id.*

⁸ *See Id.* at 24-27.

⁹ *Id.* at 16.

wireless carriers echo this sentiment, arguing that failure by the Commission to allow LightSquared to utilize its spectrum will introduce significant regulatory uncertainty in the communications market.¹⁰

One result of the Commission adopting its proposed actions is that the L-Band would be unusable for mobile broadband for the foreseeable future. Moreover, such actions will set a dangerous precedent for other spectrum bands, such as the AWS bands, that could be used for mobile broadband should adjacent-band technical issues be resolved.¹¹ Such an outcome is unsound spectrum policy, as it would impair the Commission's ability to fulfill its broadband policy goals and cause significant economic damage.

II. NTIA'S CONCLUSIONS RELY ON A FLAWED AND UNRELIABLE TESTING PROCESS

The actions the Commission proposes in the Public Notice rely on NTIA Administrator Larry Strickling's letter to Chairman Genachowski, which concludes that "LightSquared's proposed mobile broadband network will impact GPS services and that there is no practical way to mitigate the potential interference as this time."¹² However, CCIA believes that the testing that NTIA relies on to support its analysis and conclusion is unreliable.

¹⁰ IB Docket No. 11-109, Letter from Exicon Ltd., to Marlene Dortch, Secretary, FCC (Feb. 6, 2012); Letter from Hometown Telecom, to Marlene Dortch, Secretary, FCC (Feb. 4, 2012); Letter from Proximiti Communications, Inc., to Marlene Dortch, Secretary, FCC (Feb. 14, 2012).

¹¹ IB Docket No. 11-109, Comments of New America Foundation, Free Press, Public Knowledge, and Media Access Project, at 5 (Aug. 1, 2011) ("Comments of Public Interest Organizations).

¹² NTIA Letter at 1.

As CCIA noted in its January 25, 2012 letter to NTIA Administrator Larry Strickling, it appears as if the Executive Steering Group of the Interagency National Executive Committee for Space-Based Positioning, Navigation and Timing (“PNT ExCOM”) report detailing the results of the Air Force Space Command’s testing may not provide a valid basis on which to craft sound public policy decisions.¹³

The PNT ExCom report,¹⁴ which the NTIA relies on, reaches suspect conclusions based on a testing and analytical process that was not conducted in an objective manner. As LightSquared makes clear, the testing process was not transparent, and while GPS manufacturers were permitted to participate, LightSquared was prevented from providing any input. Moreover, the list of devices tested indicates that many of those devices were obsolete or discontinued and had either poor filters or no filters. Lastly, the standard PNT ExCom set to define failure was exceptionally conservative and, in reality, the level of interference that “failed” the testing would have no actual impact on GPS positional accuracy or user experience when devices are used in the field.¹⁵

In addition to Lightsquared and CCIA, other parties have voiced their concerns with the testing process on which NTIA relies. CENX, Inc. writes that NTIA’s definition

¹³ Letter from the Computer & Communications Industry Association, to The Hon. Larry Strickling, Assistant Secretary for Communications and Information and Administrator, NTIA, U.S. Dept. of Commerce at 2-4 (Jan. 25, 2012).

¹⁴ See Letter from Space-Based Positioning Navigation & Timing National Executive Committee, to The Hon. Larry Strickling, Assistant Secretary for Communications and Information and Administrator, NTIA, U.S. Dept. of Commerce (Jan. 13, 2012).

¹⁵ Press Release, LightSquared, Former FCC Chief Engineer and LightSquared Question Validity of Test Results Rigged by GPS Industry Insiders (Jan. 18, 2012).

of harmful interference holds LightSquared to a standard that is without foundation and that the testing and analyses relied on by NTIA are “obviously flawed.”¹⁶

In light of these concerns with the testing that NTIA relies on, the Commission should disregard the recommendations of NTIA and the PNT ExCom testing and instead work with LightSquared to find a solution to any unresolved interference issues.

III. THE COMMISSION SHOULD WORK WITH LIGHTSQUARED, THE GPS INDUSTRY, AND OTHER FEDERAL AGENCIES TO FIND A SOLUTION TO ANY UNRESOLVED INTERFERENCE ISSUES

Rather than merely accept the unreliable results of the Air Force Space Command testing, the PNT ExCom report, and NTIA’s letter and allow deployment of LightSquared’s wireless network to be postponed indefinitely, the Commission should bring together LightSquared, the GPS industry, and any relevant Federal agencies to find a solution to unresolved interference issues.

A. LightSquared Has a History of Working With Stakeholders to Find a Fair and Workable Solution to Interference Issues

As the Commission acknowledges in its Public Notice, LightSquared has a history of working in good faith with various stakeholders to address interference issues.¹⁷ LightSquared details its collaboration with the GPS industry at great length in its Petition for Declaratory Ruling.¹⁸

In the last year, LightSquared working cooperatively with the GPS industry and federal agencies, convened a Technical Working Group (“TWG”) to study the

¹⁶ IB Docket No. 11-109, Letter from CENX, Inc. to The Hon. Julius Genachowski, Chairman, FCC (Mar. 1, 2012).

¹⁷ See Public Notice at 2.

¹⁸ See Petition for Declaratory Ruling at 5-8.

susceptibility of GPS devices to LightSquared's network operations. Over a three-and-a-half month period, the TWG tested over 130 GPS devices. The TWG's conclusion was that transmissions in the upper 10 MHz of LightSquared's spectrum adversely affected the performance of a significant number of GPS receivers. However, further testing showed that over 99% of the devices, including 100% of GPS-enabled mobile phones and general location and navigation devices, experienced no meaningful interference from LightSquared's transmissions in the lower 10 MHz of its spectrum.¹⁹ As a result, LightSquared proposed a fair solution to address GPS interference problems on its network – the solution would allow it to commence terrestrial operations on the lower 10 MHz of its spectrum, while agreeing to work with the Commission, NTIA, and other agencies to resolve remaining interference issues in the upper 10 MHz of its spectrum.²⁰

LightSquared has continued to work toward resolving interference issues. In December, LightSquared announced the results of testing conducted by an independent laboratory that confirmed that several widely used high-precision receivers are 100% compatible with LightSquared's network.²¹

B. Other Parties Have Urged the Commission to Work with LightSquared to Resolve Remaining Interference Issues

In addition to CCIA, numerous other parties have requested the Commission work with LightSquared to resolve interference issues so that LightSquared may deploy its

¹⁹ Recommendation of LightSquared at 7-10.

²⁰ *Id.* at 24-27.

²¹ Press Release, LightSquared, Testing by World-Renowned Independent Laboratory Shows LightSquared is Compatible with High-Precision GPS Devices (Dec. 7, 2011).

mobile broadband network. A diverse range of groups have contacted the Commission urging it to work with LightSquared—including Chambers of Commerce, startup companies, small wireless carriers, and technology firms.²²

Specifically, the Great Poplar Bluff, Missouri Area Chamber of Commerce requests the Commission take over the testing process “to ensure that it is transparent and reflective of likely scenarios where interference might occur.”²³ CENX, Inc. writes that the Commission’s recommendations in light of the Air Force Space Command’s testing process and the PNT ExCom report are “extraordinary,” particularly in light of “testing and analyses that are so obviously flawed.” CENX, like CCIA, urges the Commission to “re-examine the data and work with the parties to adopt the LightSquared solution and move forward promptly.”²⁴

Additionally, many of LightSquared’s prospective partners and customers have a clear interest in the Commission and LightSquared reaching a favorable outcome that will allow LightSquared to move forward. Many of these firms have written to let the Commission know that LightSquared’s wholesale mobile broadband network will lead to increased competition by allowing smaller wireless carriers to enter new markets, offer lower prices, provide innovative products and services, and increase the broadband capacity they can offer customers. Further, these smaller carriers argue that by

²² See IB Docket No. 11-109, Letter from CENX, Inc.; Letter from Greater Poplar Bluff, Missouri Area Chamber of Commerce, to The Hon. Julius Genachowski, Chairman, FCC (Feb. 4, 2012); Letter from Karma Mobility, Inc., to Marlene Dortch, Secretary, FCC (Feb. 17, 2012); Letter from Smarter Car LLC, to Marlene Dortch, Secretary, FCC (Feb. 17, 2012).

²³ Letter from Greater Poplar Bluff, Missouri Area Chamber of Commerce.

²⁴ Letter from CENX, Inc.

purchasing bandwidth wholesale from LightSquared, they will be able to overcome some of the high barriers to market entry and expansion – such as prohibitive network deployment and roaming costs and spectrum scarcity.²⁵ Parties have also argued that LightSquared’s network will allow them to begin offering services to unserved areas of the country, as working with LightSquared will make it economical to deliver mobile broadband to areas where there it does not make economic sense to do so now.²⁶

The uncertainty over LightSquared’s future has already had a negative impact on its potential customers. Recently, Sprint announced it is ending its spectrum hosting agreement with LightSquared – an agreement that was set to alleviate some of the costs of Sprint’s upgrades to its own data network.²⁷ The Commission should move quickly to collaborate with LightSquared before more harm is done to LightSquared’s partners.

LightSquared has been a willing partner – willing to work with the GPS industry and Federal agencies to craft a technically sound solution to resolve interference issues with GPS devices. CCIA strongly requests the Commission work with LightSquared and

²⁵ See IB Docket No. 11-109, Letter from Aircado, Inc., to Marlene Dortch, Secretary, FCC (Feb. 22, 2012); Letter from Advance 2000, to Marlene Dortch, Secretary, FCC (Feb. 14, 2012); Letter from AirTouch Communications, Inc., to Marlene Dortch, Secretary, FCC (Feb. 8, 2012); Letter from America 4G, Inc., to Marlene Dortch, Secretary, FCC (Feb. 14, 2012); Letter from Exicon Ltd., to Marlene Dortch, Secretary, FCC (Feb. 6, 2012); Letter from Hometown Telecom, to Marlene Dortch, Secretary, FCC (Feb. 4, 2012); Letter from iBanco Corp., to Marlene Dortch, Secretary, FCC (Feb. 13, 2012); Letter from JOLT Mobile, to Marlene Dortch, Secretary, FCC (Feb. 8, 2012); Letter from PNG Telecommunications, Inc., to Marlene Dortch, Secretary, FCC (Feb. 9, 2012); Letter from Proximiti Communications, Inc. to Marlene Dortch, Secretary, FCC (Feb. 6, 2012); Letter from YourTel America Inc., to Marlene Dortch, Secretary, FCC (Feb. 12, 2012).

²⁶ See IB Docket No. 11-109, Comments of Open Range Communications, Inc. at 5 (Aug. 1, 2011).

²⁷ See Greg Bensinger, *Sprint to End Contract with LightSquared*, WALL ST. J., Mar. 15, 2012.

other stakeholders to find a solution, rather than foreclosing LightSquared's ability to deploy its network and the substantial public interest benefits that will accrue as a result.

IV. THE COMMISSION'S PROPOSED ACTIONS WILL PREVENT IT FROM MEETING MANY OF ITS STATED GOALS

If allowed to deploy its proposed nationwide, 4G LTE wireless broadband network, LightSquared's wholesale business model would help the Commission achieve many of its goals, particularly in promoting increased competition in the mobile broadband market, expanding broadband access to nearly all Americans, increasing the amount of spectrum available for mobile broadband, and promoting additional investment in mobile broadband infrastructure. However, the Commission's proposed actions will prevent LightSquared's from deploying its network and will frustrate the Commission's ability to meet these goals.

A. The Commission's Proposed Actions Will Prevent the Emergence of Competitors in the Mobile Broadband Market

The Commission's proposed actions will prevent LightSquared from deploying its wholesale mobile broadband network. In doing so, the Commission will stand in the way of its own goal of promoting competition in the wireless marketplace.²⁸

1. LightSquared's Nationwide Wholesale Wireless Network Would Lead to Increased Competition in the Wireless Market

CCIA has previously noted that LightSquared's nationwide, wholesale wireless network would create another facilities-based provider of mobile broadband services.²⁹

²⁸ See *Implementation of Section 6002(b) of the Omnibus Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, WT Docket No. 09-66, Fourteenth Report, FCC 10-81 5 ¶ 1 (May 20, 2010) ("*Fourteenth Report*") ("[p]romoting competition is a fundamental goal of the Commission's policymaking.").

LightSquared's presence in the wireless marketplace could significantly increase competition. As LightSquared has stated, its wholesale network "will enable dozens of competitors to bring broadband wireless services to American consumers."³⁰ Numerous public interest organizations, such as New America Foundation, Free Press, Public Knowledge, and Media Access Project also assert that LightSquared's planned network would lead to increased competition by alleviating some of the difficulties that smaller carriers face when attempting to compete with their national competitors.³¹

Other parties in this proceeding have also attested to the competitive benefits that LightSquared's nationwide, wholesale mobile broadband network would generate. For instance, regional carriers such as Leap Wireless and Cricket Communications believe that LightSquared's deployment could lead to additional competition in the wireless marketplace, which is increasingly important in light of the strengthening AT&T/Verizon duopoly.³² And numerous other carriers have pointed out that LightSquared's network will allow them to reach new customers, offer expanded services, and overcome existing high barriers to entry.³³

²⁹ Comments of CCIA at 4-5.

³⁰ Recommendation of LightSquared at 22.

³¹ See Comments of Public Interest Organizations at 12-13.

³² See IB Docket No. 11-109, Comments of Leap Wireless Int'l, Inc. and Cricket Communications, Inc. at 4 (July 30, 2011).

³³ See Letter from Aircado, Inc.; Letter from Advance 2000; Letter from AirTouch Communications, Inc.; Letter from America 4G, Inc.; Letter from Exicon Ltd; Letter from Hometown Telecom; Letter from iBanco Corp.; Letter from JOLT Mobile; Letter from PNG Telecommunications, Inc.; Letter from Proximiti Communications; Letter from YourTel America Inc.

2. The Commission's Proposed Actions Will Prevent LightSquared's Deployment and Hinder Mobile Broadband Competition

Blocking LightSquared's ability to enter the mobile marketplace will have the effect of shutting out much needed new competition from gaining a foothold in the mobile market.

As noted above, many small wireless companies that plan to utilize LightSquared's wholesale mobile broadband network have made the Commission aware that stifling LightSquared's ability to deploy its network will be a death knell for competition in the mobile broadband market. Without access to wholesale service via LightSquared's network, these carriers will be unable to offer advanced mobile broadband services and deliver the tangible benefits of more robust competition – higher quality services, lower rates, and expanded voice and broadband service options – to their customers.³⁴

Foreclosing LightSquared's ability to deploy its network, as the Commission's proposed actions will likely do, will prevent the Commission from achieving its stated goals of promoting competition in the wireless market and make unattainable the benefits of increased competition – namely greater innovation, lower prices, and increased access to high-speed mobile broadband.

³⁴ See IB Docket No. 11-109, Letter from America 4G, Inc.; Letter from Advance 2000; Letter from Aircado, Inc.; Letter from AirTouch Communications, Inc.; Letter from iBanco Corp.; Letter from JOLT Mobile; Letter from PNG Telecommunications, Inc.; Letter from SI Wireless, LLC, to Marlene Dortch, Secretary, FCC (Feb. 2, 2012); Letter from VoX Communications, to Marlene Dortch, Secretary, FCC (Feb. 7, 2012); Letter from YourTel America Inc.

B. The Commission’s Proposed Actions Will Delay Expansion of Access to High-Speed Broadband Services

CCIA’s previous Comments in this proceeding clearly demonstrate that once deployed, LightSquared’s nationwide mobile broadband network would cover at least 260 million Americans by the end of 2015, extending access to many unserved and underserved regions of the country, and help close the digital divide.³⁵ However, the Commission’s planned actions in response to NTIA’s letter will hinder LightSquared’s ability to deploy its planned mobile broadband network and prevent the Commission from meeting its goals of expanding high-speed broadband to all Americans as quickly and efficiently as possible.³⁶

1. LightSquared’s Deployment Would Expand Broadband Services to Nearly All Americans

As CCIA has previously demonstrated, LightSquared’s network, once deployed, would expand high-speed broadband access to all Americans and help the Administration and Commission reach their goals of delivering high-speed broadband to unserved and

³⁵ See Comments of CCIA at 5-7; Reply Comments of CCIA (citing IB Docket No. 11-109, Comments of LightSquared at 41 (Aug. 1, 2011)).

³⁶ Both the Commission and the Obama Administration have noted the need to make high-speed broadband services accessible for nearly all Americans. See Press Release, Office of the Press Secretary, The White House, President Obama Details Plan to Win the Future Through Expanded Wireless Access (Feb. 10, 2011); *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 20 ¶ 53 (Oct. 27, 2011) (adopting the goal of ensuring the “universal availability of modern networks capable of delivering mobile broadband and voice service in areas where Americans live work, or travel).

underserved Americans.³⁷ Further, LightSquared's deployment would allow broadband service providers, via LightSquared's wholesale network, to reach unserved areas without consuming USF subsidies. Thus, LightSquared's planned network is a winning proposition smaller carriers, customers, and taxpayers.³⁸

Other parties note that deployment of LightSquared's network would result in the expansion of broadband services to unserved Americans. Open Range Communications argues that LightSquared's wholesale network would make it economical for carriers to deliver broadband services to areas where there it does not make economic sense to do so now.³⁹ Local and state lawmakers in rural areas have also weighed in, pointing out that LightSquared's network would expand broadband access to unserved areas.⁴⁰

2. The Commission's Proposed Actions Will Prevent LightSquared From Delivering Mobile Broadband Services to Unserved Areas

If LightSquared is unable to deploy its network it would be a deleterious effect on the deployment of broadband services to unserved and underserved areas, undermining the goals of the Administration and the Commission to expand mobile broadband to all Americans.

³⁷ See Comments of CCIA at 6; Reply Comments of CCIA at 12.

³⁸ Comments of CCIA at 7.

³⁹ See IB Docket No. 11-109, Comments of Open Range Communications, Inc. at 5 (Aug. 1, 2011).

⁴⁰ See IB Docket No. 11-109, Letter from Mississippi State Rep. Bill Denny, to The Hon. Julius Genachowski, Chairman, FCC (Feb. 1, 2012); Letter from Missouri State Rep. Steve Hodges, to The Hon. Julius Genachowski, Chairman, FCC (Feb. 28, 2012); Letter from Missouri State Rep. Caleb Jones, to Marlene Dortch, Secretary, FCC (Mar. 1, 2012); Letter from Breathitt County, Kentucky County Attorney Brendon D. Miller, to The Hon. Julius Genachowski, Chairman, FCC (Feb. 5, 2012);

C. The Commission’s Proposed Actions Will Prevent it from Meeting its Goal of Making Additional Spectrum Available for Mobile Broadband

As CCIA has previously demonstrated, allowing LightSquared to deploy its nationwide mobile broadband network would allow the Commission to meet its goal of increasing the amount of spectrum available for mobile broadband use.⁴¹ If the Commission adopts its proposed actions, LightSquared will likely be unable to deploy its network, which will hinder Commission’s ability to meet this goal.

1. The *National Broadband Plan* Calls for Utilizing Additional Spectrum for Mobile Broadband

The Commission was clear in the *National Broadband Plan* that additional spectrum needs to be freed up for commercial mobile broadband use if America is to capitalize on the potential for mobile broadband to be a transformative platform for the American economy.⁴² Specifically, the *National Broadband Plan* calls for the Commission to make 500 MHz of spectrum available for mobile broadband over the next decade, including making 90 MHz of spectrum currently allocated for mobile satellite services (“MSS”) available for terrestrial deployment.⁴³

⁴¹ See Comments of CCIA at 7-11; Reply Comments of CCIA at 4-6.

⁴² FCC, *Connecting America: THE NATIONAL BROADBAND PLAN* 75 (2009) (“NATIONAL BROADBAND PLAN”).

⁴³ *Id.* at 84, 87.

2. LightSquared's Network Would Utilize 20 MHz of MSS Spectrum for Mobile Broadband

Once deployed, LightSquared's network would utilize 20 MHz of MSS spectrum for its nationwide, wholesale 4G network. The benefits from LightSquared's build out are critical to helping the Commission meet its stated broadband goals.⁴⁴

As CCIA has previously noted, repurposing MSS spectrum for high-speed mobile broadband accounts for nearly one-third of all non-federal spectrum (90 of 270 MHz) identified in the *National Broadband Plan*, and is the most promising option to address the looming spectrum shortage. The L-Band alone represents 40 MHz of the non-federal spectrum that the Commission anticipated would be available for mobile broadband.

3. The Commission's Proposed Actions Will Prevent LightSquared from Utilizing Its Spectrum for Mobile Broadband

The Commission's proposed actions will prevent LightSquared's from deploying its planned nationwide mobile broadband network. As a result, the 20 MHz of L-Band MSS spectrum that LightSquared plans to use to deploy its network, if not the entire L-Band, will lie fallow indefinitely. Further, the Commission will have significantly discouraged future investment in mobile broadband infrastructure and spectrum, making it nearly impossible for the Commission to meet its goal of utilizing an additional 500 MHz of spectrum for mobile broadband use over the next decade.

CONCLUSION

CCIA requests the Commission work with LightSquared to resolve any remaining interference issues. LightSquared has long been a willing to work with the Commission, other Federal agencies, and the GPS industry. The Commission's proposed actions in

⁴⁴ Comments of Public Interest Organizations at 11.

response to NTIA's letter would set a precedent for flawed spectrum policy and stifle investment in spectrum and mobile broadband infrastructure. Further, the Commission risks undermining its ability to promote wireless competition, meet its goal of utilizing 500 MHz of additional spectrum for mobile broadband, and expand high-speed broadband to unserved areas of the country. By working with LightSquared, the Commission can achieve these goals, incentivize investment in wireless infrastructure, and unleash the benefits of LightSquared's wholesale, nationwide 4G LTE broadband network.

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