

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
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LightSquared Subsidiary, LLC ) SAT-MOD-20101118-00239  
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**COMMENTS OF IRIDIUM SATELLITE LLC**

Iridium Satellite LLC (“Iridium”) hereby submits these comments in response to the Federal Communications Commission’s (“Commission”) public notice announcing LightSquared Subsidiary LLC’s (“LightSquared”) Application for Modification of its Ancillary Terrestrial Component (“ATC”) Authority.<sup>1</sup> LightSquared seeks a flexible interpretation of the ATC “integrated service” gating requirement that would permit resellers to offer terrestrial only service packages.<sup>2</sup> The ATC gating requirements are important to maintaining the availability of spectrum for the important and unique mobile satellite services (“MSS”) provided by Iridium and other MSS operators.<sup>3</sup> Specifically, compliance with the gating criteria ensures that terrestrial use of MSS spectrum properly remains ancillary to a licensee’s substantial satellite services. Given the importance of maintaining widespread MSS availability, Iridium believes that, whatever position the Commission takes in response to LightSquared’s pending application, it should not serve

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<sup>1</sup> Policy Branch Information, Satellite Space Applications Accepted for Filing, *Public Notice*, Report No. SAT-00738 (Nov. 19, 2010).

<sup>2</sup> See *LightSquared Subsidiary LLC Application for Modification of ATC Authority*, Application Narrative, SAT-MOD-20101118-00239 (filed Nov.18, 2010) (“*LightSquared Application*”) at 7.

<sup>3</sup> See 47 C.F.R. §25.149.

as precedent in the Big LEO band. Moreover, if the Commission is considering modification of the ATC gating criteria, it should address this important issue as part of a rulemaking proceeding rather than on a case by case basis.

**I. THE COMMISSION SHOULD NOT ERODE THE EFFECTIVE USE OF THE BIG LEO BAND FOR MSS BY CHANGING THE ATC GATING CRITERIA.**

In the Notice of Proposed Rulemaking and Notice of Inquiry regarding Mobile Satellite Service Spectrum released earlier this year, the Commission correctly noted “the importance of maintaining MSS to provide services, for example, to public safety and Federal government agencies, to rural areas, and during natural disasters.”<sup>4</sup> Iridium’s robust MSS system provides these critical communications services to first responders, the Federal Government, and other users and plays a vital role during national and international emergencies. Using the world’s largest commercial satellite constellation, which consists of sixty-six low-Earth orbiting, cross-linked satellites operating as a fully meshed network and supported by multiple in-orbit spares, Iridium offers satellite communications coverage of the entire Earth’s surface. Iridium already serves more than 413,000 subscribers worldwide, and in some parts of the world, Iridium is the only available communications connection.<sup>5</sup>

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<sup>4</sup> See *Fixed and 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*, Notice of Proposed Rulemaking and Notice of Inquiry, 25 FCC Rcd 9481,9494 (¶ 33) (2010) (“*MSS NPRM and NOI*”).

<sup>5</sup> See *Iridium Commc’ns, Inc., Form 10-Q* (Nov. 9, 2010) (“*Iridium 10-Q*”) at 22, available at <http://www.sec.gov/Archives/edgar/data/1418819/000119312510253263/d10q.htm> (last visited Nov. 30, 2010).

Iridium's MSS system has played a critical role during national emergencies, such as Hurricanes Katrina and Rita, as well as international emergencies, such as this past year's earthquakes in Haiti and Chile. Iridium also provides vital services to the Department of Defense and many federal U.S. bureaus, agencies and departments, including serving the critical and secure needs of U.S. and Coalition Forces throughout the Middle East region. Additionally, Iridium is a leading provider of maritime, aviation, machine-to-machine and land/mobile communications and the only provider of critical flight, maritime and worker safety applications in the polar regions.

Demand for Iridium's important and innovative services has increased and will continue to grow. Just this past year, Iridium's subscribers have grown by approximately 21.8 percent across its product and service areas.<sup>6</sup> And due to exceptionally high demand for Iridium's services during natural disasters and other emergencies, Iridium has been required to seek special temporary authority from the Commission to access additional spectrum. Moreover, Iridium's next generation system, Iridium NEXT, anticipated to begin launching in early 2015, will provide new and enhanced services and is projected to place further demands on Iridium's spectrum. Iridium NEXT will provide faster and higher quality voice and data services to Iridium's global customer base, including public safety, first responder, and defense subscribers. These greater-bandwidth, next generation services are eagerly anticipated by Iridium's subscribers, and are certain to promote substantial additional usage of Iridium's network and spectrum resources.

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<sup>6</sup> See *Iridium 10-Q* at 22.

Given the increasing demand for Iridium's MSS, it is critically important that the Commission ensure that adequate spectrum remains available for these services, particularly in the Big LEO band. LightSquared's application asks the Commission to approve a business plan that would allow greater flexibility in the use of LightSquared's terrestrial network. Indeed, LightSquared acknowledges that its resellers could market terrestrial-only service packages that make use of LightSquared's L-band spectrum.<sup>7</sup> Iridium believes that, to support its unique and important satellite services, the Big LEO band must be retained for primary use by MSS and that any terrestrial use of this band must remain ancillary to MSS. As such, regardless of the Commission's decision on the merits of the LightSquared's pending application, this decision should not serve as a precedent in the Big LEO spectrum utilized by Iridium.

## **II. ANY EASING OF THE ATC GATING CRITERIA SHOULD BE ADDRESSED AS PART OF A RULEMAKING PROCEEDING RATHER THAN ON A CASE BY CASE BASIS**

The issues presented by LightSquared's application are extremely important to Iridium and the rest of the MSS industry. Any decisions that the Commission makes with regard to LightSquared's application that would have effect outside of the limited facts and circumstances presented by LightSquared would impair the Commission's allocation of scarce satellite spectrum resources as well as the business plans of numerous stakeholders within the satellite industry. It would be more appropriate for the Commission to address any modification of the ATC gating criteria in a rulemaking proceeding. Doing so would afford all interested parties a full and fair opportunity to present their positions to the Commission and to ensure that the Commission's rulings are

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<sup>7</sup> See *LightSquared Application* at 7.

applied in a competitively neutral manner. In fact, the Commission has already introduced an opportunity to consider the ATC gating criteria as part of the ongoing MSS Rulemaking Proceeding.<sup>8</sup> This proceeding presents a more open and equitable opportunity for the Commission to examine the arguments surrounding relaxation of the ATC gating criteria and, if it so chooses, to enact rules of general applicability for the satellite industry.

### **III. CONCLUSION**

In sum, Iridium provides communications services to first responders, government and military personnel, and other users through a robust MSS system that cannot be replaced other communications providers. To preserve sufficient MSS capability in the United States, the Commission should refrain from altering the ATC gating criteria for the Big LEO spectrum band, regardless of any action it takes on LightSquared's application. Furthermore, if the Commission believes that its ATC gating regulations should be examined or revised, Iridium believes that such issues should be considered as part of a rulemaking proceeding, such as the ongoing MSS Rulemaking Proceeding, rather than on a case by case basis.

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<sup>8</sup> See *MSS NPRM and NOI*.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2010 I caused a true and correct copy of the foregoing to be served by first-class mail on the following:

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