Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of

LightSquared Subsidiary LLC

Request for Modification of its
Authority for an Ancillary Terrestrial
Component

SAT-MOD-20101118-00239

APPLICATION FOR REVIEW OF
DEERE & COMPANY

Deere & Company ("Deere"), by its undersigned attorneys, pursuant to Section 5(c)(4) of the Communications Act of 1934, 47 USC § 155(c)(4), and Section 1.115 of the Commission’s Rules, 47 C.F.R. § 1.115, files this Application for Review of the International Bureau’s Order and Authorization\(^1\) granting LightSquared Subsidiary LLC ("LightSquared") a “conditional waiver” of the Ancillary Terrestrial Component (“ATC”) rules to use its Mobile Satellite Service (“MSS”)/ATC spectrum for an extensive network of high-powered base stations to provide terrestrial-only broadband services.

On February 25, 2011, Deere filed a timely Petition for Reconsideration of the Order with the Bureau.\(^2\) Pursuant to 47 USC § 405(a) and 47 CFR § 1.106(j), a petition for reconsideration relating to “an instrument of authorization granted without a hearing” is to be decided within 90 days after filing of the petition. The Order was an instrument of authorization, in that it

\(^1\) In the Matter of LightSquared Subsidiary LLC Request for Modification of its Authority for an Ancillary Terrestrial Component, Order and Authorization, SAT-MOD-20101118-00239 (released Jan. 26, 2011) ("Order").

\(^2\) Petition for Reconsideration of Deere & Company ("Petition"), SAT-MOD-20101118-00239, filed Feb. 25, 2011 ("Petition"). A copy of the Petition is attached hereto as Exhibit 1.
conditionally authorized LightSquared to conduct operations using its licensed spectrum that were not previously authorized; and it was granted without a hearing; so the Petition was subject to the 90-day statutory deadline. That 90-day period expired on May 26, 2011, but to date the Bureau has taken no action on the Petition.

Deere wishes to preserve its rights to seek full Commission review and/or to appeal an ultimate final order in this proceeding, if those steps become necessary. Deere observes that 47 USC § 405(a) could conceivably be construed as causing the Petition to be deemed denied by operation of law, due to the Bureau’s inaction. Out of an abundance of caution, therefore, Deere hereby applies for Commission review of the Order, in the event that the Bureau’s inaction is deemed to have had the effect of denying the Petition.

**Grounds for Review:** Deere hereby incorporates by reference all of the issues set forth in its Petition, attached hereto as Exhibit 1, as the grounds for Commission review and reversal of the Order.

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2 *Cf. Processing of Broadcast Applications*, First Report and Order, FCC 84-298, 56 RR 2d 941, para. 4 (1984) (noting that minor modifications to broadcast licenses are subject to Section 405 and to the 90-day statutory deadline for reconsideration).

4 Deere is aware that some Commission decisions arising in different procedural contexts have construed the 90-day deadline of Section 405(a) as directory, not mandatory. *See, e.g., Ariz. Mobile Tel. Co., Opinion, File No. 2084-C2-P-(3)-70 at ¶ 14 (released Oct. 28, 1977); Big Valley Cable, Memorandum Opinion and Order, FCC 74-947 at ¶ 3 (released Sept. 16, 1974).* Neither of these cases, however, specifically addresses whether a party whose petition for reconsideration has not been acted upon within 90 days is obligated to take further action to preserve its rights to further review. If the Commission determines that the Petition has not been denied by operation of law, then this Application for Review would be moot.
Respectfully submitted,

/s/ electronically signed

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Catherine Wang
Russell M. Blau
Timothy Bransford
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, DC 20006
Office: 202.373.6000
Fax: 202.373.6001

Counsel for Deere & Company

Patricia M. Harris
Assistant General Counsel

Paul Galyean
Manager, System Engineering and IME/Robotics

Jerry Knight
Principal Engineer

Deere & Company
One John Deere Place
Moline IL 61265

Dated: June 24, 2011
CERTIFICATE OF SERVICE

I, Jeffrey T. Hantson, hereby certify that on June 24, 2011, I have caused a copy of Deere & Company’s Application for Review to be served via U.S. Mail on the following:

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Commissioner Robert McDowell
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Commissioner Mignon Clyburn
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Julius Knapp
Chief
Office of Engineering & Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ronald Repasi
Deputy Chief
Office of Engineering & Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Walter Johnston
Chief, Electromagnetic Compatibility Division
Office of Engineering & Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Robert Weller
Chief, Technical Analysis Branch, Electromagnetic Compatibility Division
Office of Engineering & Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Mark Settle
Deputy Chief, Policy & Rules Division
Office of Engineering & Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

John Kennedy
Chief, Spectrum Coordination Branch, Policy & Rules Division
Office of Engineering & Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Michael Ha
Engineer
Office of Engineering & Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Paul Murray
Assistant Bureau Chief
Wireless Telecommunication Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Tom Peters
Chief Engineer
Wireless Telecommunication Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Bill Lane
Chief Engineer
Public Safety & Homeland Security Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Pat Amodio
Chief RF Engineer
Public Safety & Homeland Security Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Roderick Porter
Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Roderick Porter
Deputy Chief
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Robert Nelson
Chief, Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Mr. Jeffrey J. Carlisle
Executive Vice President,
Regulatory Affairs and Public Policy
LightSquared Subsidiary LLC
10802 Parkridge Blvd.
Reston, VA 20191

Henry Goldberg
Goldberg, Godles, Weiner & Wright
1229 Nineteenth Street, NW
Washington, DC 20036
Counsel for LightSquared Subsidiary LLC

Michael Calabrese
Wireless Future Project/
Open Technology Initiative
New America Foundation
1899 L Street, NW 4th Floor
Washington, DC 20036

Matthew F. Wood
Media Access Project
1625 K Street, NW Suite 1000
Washington, DC 20006

Lawrence E. Strickling
Department of Commerce
NTIA
1401 Constitution Avenue, NW
Washington, DC 20230

Rebecca Murphy Thompson
General Counsel
Rural Cellular Association
805 15th Street, NW, Suite 401
Washington, DC 20005

Chris Riley, Esq.
Free Press
501 Third Street, NW, Suite 875
Washington, DC 20001

Regina Keeny
Lawler, Metzger, Keeney and Logan, LLC
2001 K Street, NW, Suite 802
Washington, DC 20006
Counsel for Globalstar, Inc.
Stephen J. Berman  
Lawler, Metzger, Keeney and Logan, LLC  
2001 K Street, NW, Suite 802  
Washington, DC 20006  
Counsel for Globalstar, Inc.

Kathleen O'Brien Ham  
T-Mobile USA, Inc.  
401 Ninth Street, NW, Suite 550  
Washington, DC 20005

Josh Roland  
T-Mobile USA, Inc.  
401 Ninth Street, NW, Suite 550  
Washington, DC 20005

Jennifer Warren  
Vice President, Technology Policy & Regulation  
Lockheed Martin Corporation  
2121 Crystal Drive, Ste 100  
Arlington VA, 22202

Kris Hutchison  
President  
Aviation Spectrum Resources, Inc.  
2551 Riva Road  
Annapolis, MD 21401

Raul R. Rodriguez  
Lerman Senter PLLC  
2000 K Street, NW, Suite 600  
Washington, DC 20006

David S. Keir  
Lerman Senter PLLC  
2000 K Street, NW, Suite 600  
Washington, DC 20006

Jason Rademacher  
Dow Lohnes PLLC  
1200 New Hampshire Avenue, NW, Suite 800  
Washington, DC 20008

Peter A. Corea  
Vice President, Regulatory Affairs  
New DBSD Satellite Services G.P.  
11700 Plaza American Drive, Suite 1010  
Reston, VA 20190

Steve B. Sharkey  
T-Mobile USA, Inc.  
401 Ninth Street, NW, Suite 550  
Washington, DC 20005

Jens Hennig  
Vice President, Operations  
General Aviation Manufacturers Association  
1400 K Street, NW#801  
Washington, DC 20005-2485

Curtis W. Sumner, LS  
Executive Director  
The American Congress on Surveying and Mapping  
6 Montgomery Village Avenue, Suite #403  
Gaithersburg, MD 20879

James L. Casey  
Deputy General Counsel  
Air Transport Association of America, Inc.  
1301 Pennsylvania Ave., NW  
Washington, DC 20004

Stephen D. Baruch  
Lerman Senter PLLC  
2000 K Street, NW, Suite 600  
Washington, DC 20006

M. Anne Swanson  
Dow Lohnes PLLC  
1200 New Hampshire Avenue, NW, Suite 800  
Washington, DC 20008

Howard J. Symons  
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C.  
701 Pennsylvania Avenue, NW, Suite 900  
Washington, DC 20004
Russell H. Fox
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C.
701 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20004

Fred B. Campbell, Jr.,
President & CEO
Wireless Communications Association International, Inc.
1333 H Street, NW, Suite 700 West
Washington, DC 20005

Gary L. Phillips
AT&T Inc.
1120 20th Street, N.W.
Washington, DC 20036

Brian M. Josef
Director Regulatory Affairs
CTIA – The Wireless Association
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036

Christopher Gutman-McCabe
Vice President, Regulatory Affairs
CTIA – The Wireless Association
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036

Jeffrey R. Leventhal, Esq.
Open Range Communications Inc.
6430 S. Fiddler's Green Circle
Suite 500
Greenwood Valley, CO 80111

John T. Scott, III
Vice President & Deputy General Counsel
VERIZON WIRELESS
1300 I Street N.W.
Suite 400 West
Washington, D.C. 20005

Jennifer A. Cukier
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C.
701 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20004

Paul K. Mancini
AT&T Inc.
1120 20th Street, N.W.
Washington, DC 20036

Michael P. Goggin
AT&T Inc.
1120 20th Street, N.W.
Washington, DC 20036

Michael F. Altschul
Senior Vice President & General Counsel
CTIA – The Wireless Association
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036

Donna Bethea Murphy
Vice President, Regulatory Engineering
Iridium Satellite LLC
1750 Tysons Boulevard, Suite 1400
McLean VA 22102

Alexandra M. Field,
Senior Vice President, Regulatory Affairs
TerreStar Networks Inc.
12010 Sunset Hills Road
Reston, VA 20191

Catherine M. Hilke
Counsel
VERIZON WIRELESS
1300 I Street N.W.
Suite 400 West
Washington, D.C. 20005
Thomas A. Stansell, Jr.
Stansell Consulting
30110 Via Rivera
Rancho Palos Verdes, CA 90275-4456

Richard Foley
Blue Sky Information Services
5674 El Camino Real, Suite H
Carlsbad, CA 92008

Salvatore Taillefer, Jr.
Blooston, Mordkofsky, Dickens, Duffy & Prendergrast, LLP
2120 L Street, NW
Suite 300
Washington, DC 20037

Melissa Rudinger
Senior Vice President Government Affairs
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, MD 21701

John A. Prendergrast
Blooston, Mordkofsky, Dickens, Duffy & Prendergrast, LLP
2120 L Street, NW
Suite 300
Washington, DC 20037

/s/ electronically signed

Russell M. Blau
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, DC 20006
Office: 202.373.6000
Fax: 202.373.6001