

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

In the Matter of)
)
LightSquared Subsidiary LLC *Ex Parte*) IB Docket Nos. 12-340, 11-109;
Filing) RM-11681; WT Docket No. 12-327;
) IBFS File Nos. SAT-MOD 20120928-
) 00160, -00161; SAT-MOD-20101118-
) 00239; SES-MOD-20121001-00872

**COMMENTS OF THOMAS M. LENARD, PH.D
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These comments are in response to the Federal Communications Commission’s August 7, 2013 request for comments on the *Ex Parte* filing by LightSquared Subsidiary LLC (“LightSquared”) regarding the potential operations of terrestrial wireless handsets in the 1626.5-1660.5 MHz Mobile Satellite Service uplink portion of the L-band. The report provides technical analyses of the potential interaction of LightSquared terrestrial wireless devices with Global Positioning System (GPS) devices and responds to questions raised by several government agencies. The report shows that GPS devices will not be impacted if LightSquared uses its uplinks for terrestrial service and is permitted to proceed with the proposed modified deployment of its network.¹

Indeed, it would have been surprising if such an impact could be shown. Today, hundreds of thousands of LightSquared and Inmarsat devices use the L-band uplinks without causing any reported interference to GPS, and these devices operate at hundreds of times more power than terrestrial handsets.² Other satellite services—Globalstar and Iridium—use uplink spectrum closer to the GPS band than LightSquared.³

The current request for comments is another in the series of regulatory hurdles that has delayed the deployment of LightSquared’s proposed wireless broadband network, which has been estimated to produce \$12 billion in value to the economy and potentially 10 times that amount—\$120 billion—in benefits to consumers.⁴ Because the benefits of deployment are large, delay generates significant consumer costs. Moreover, delay creates additional uncertainty, which adds to costs for LightSquared and potentially other spectrum holders. The record is already voluminous and it is unlikely that an additional comment period will yield information of any

¹ See LightSquared *Ex Parte* Presentation Filing, IB Docket No. 11-109; DA 12-1863, IB Docket No. 12-340; IBFS File Nos. SAT-MOD-20101118-00239; SAT-MOD-20120928-00160; SAT-MOD-20120928-00161; SES-MOD-20121001-00872; RM-11681; WT Docket No. 12-327 (filed July 15, 2013).

² See LightSquared Licenses, File Nos. SES-MOD-20070523-00712, SES-ASG-20120524-00474 & Inmarsat Licenses, File No. SES-LIC-20040528-00741

³ See Globalstar License, IBFS File No. SAT-MOD-20080904-00165 & Iridium License, IBFS File No. SES-MOD-20120119-00069.

⁴ See Bazelon, C. *GPS Interference: Implicit Subsidy to the GPS Industry and Cost to LightSquared of Accommodation*, The Brattle Group, Inc. (June 22, 2011).

significance that the Commission doesn't already know. Thus, the benefits of an additional comment period are almost certainly less than the costs from further delaying the network—costs that ultimately are passed on to consumers.

Of the various options available to increase the stock of mobile broadband spectrum, the MSS spectrum owned by LightSquared, which is a network with investments already made and waiting for regulatory approval, is low-hanging fruit. LightSquared remains the most immediate prospect for becoming a viable competitor in the mobile broadband space, particularly for underserved areas. LightSquared's modified network proposal responds to interference concerns by vacating or delaying deployment of the 20 MHz of spectrum that is closest to the adjacent receivers.⁵ In return, LightSquared would gain access to the 5MHz of government spectrum that the company would share with the National Oceanic and Atmospheric Administration's (NOAA) weather balloons.⁶ Freeing up spectrum for mobile broadband and promoting the sharing of government spectrum are stated goals of both the White House and the FCC.

The case of LightSquared's network represents an extremely costly regulatory failure that the Commission should rectify rapidly. Interference issues with LightSquared's spectrum neighbors are the immediate explanation for the delays LightSquared has experienced. However, the inability to resolve interference disputes between users of adjacent spectrum ultimately stems from the absence of a flexibly licensed regime—in essence, the lack of clearly defined quasi-property rights and the absence of a market mechanism for buying and selling those rights. The absence of well-defined rights has made it difficult for the occupants of adjacent bands to strike a mutually beneficial deal that would also have enhanced the value of the spectrum and benefited consumers.

The Obama Administration and the FCC have been attempting to move more spectrum into the private sector, particularly by freeing up government spectrum. Their legacy with LightSquared, however, may be achieving the opposite result. Not approving the LightSquared spectrum for mobile broadband because of GPS-related interference concerns would effectively transfer a large block of spectrum from the commercial sector back to the government.⁷ The Commission should avoid this possibility by approving LightSquared's proposal as soon as possible.

Respectfully submitted,

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⁵ See LightSquared Application for Modification, IB Docket No. 12-340 (filed Sept 28, 2012) at 2.

⁶ *Id.* at 3.

⁷ MSS would still be permitted, but this is an extremely low-valued use relative to mobile broadband.