

GLOBALSTAR SUMMARY OF AWS-4 ORDER

On December 17th, the Federal Communications Commission released its AWS-4 Order freeing up 40 megahertz of MSS spectrum in the 2 GHz band (2000-2020 MHz and 2180-2200 MHz (AWS-4)) for terrestrial use including mobile broadband services. Here, Globalstar presents its take on the Order in light of its own petition filed with the FCC seeking rule changes to permit use of its licensed MSS spectrum (2483.5-2495 MHz (AWS-5) and adjacent unlicensed (ISM) spectrum at 2473-2483.5 MHz) terrestrially to support mobile broadband applications. We view the AWS-4 Order as a very favorable development for our initiative to receive similar terrestrial relief in our Big LEO spectrum.

It is clear that the Commission's overriding consideration in adopting the AWS-4 Order is to ensure that the 40 MHz of S-band spectrum is made available as quickly and as efficiently as possible for flexible terrestrial uses such as for mobile broadband services (§2). We are hopeful that the Commission will take a similar approach regarding our Big LEO spectrum, especially our near-term initiative for relief in our 2.4 GHz band to support mobile broadband offerings such as Terrestrial Low Power Service (TLPS).

Regarding the fundamental basis for unlocking the terrestrial potential of the S-band, the Commission remained true to its prior recommendations. First, the Commission affirmed its preliminary finding in the NPRM that spectrum sharing between separately licensed MSS and terrestrial operators is not technically feasible and that, therefore, the terrestrial AWS-4 license authority should be granted to the MSS provider, DISH. Second, the Commission eliminated the ATC framework in the 2 GHz band in favor of the new, more flexible Part 27-based regulatory framework, finding that the ATC regulations are no longer the best framework for developing and deploying terrestrial broadband operations in the band. The Commission noted that the record reflected no opposition to their adopting this proposal (§318). We expect that these same conclusions would carry over to our proceeding as well.

Additionally, the Commission confirmed that the AWS-4 licensee is authorized to utilize the spectrum for any terrestrial use permitted under the Commission's rules. Thus, a licensee is not required to seek specific authority from the Commission each and every time it wants to provide a new service.

Finally, the Commission is permitting the partitioning of AWS-4 terrestrial license areas and the disaggregation of AWS-4 terrestrial spectrum, as well as the de facto transfer leasing of AWS-4 spectrum. This approach means that separately-controlled entities can obtain AWS-4 terrestrial authority within the 2 GHz band. The Commission stated that the MSS licensee should have the flexibility to voluntarily give up its MSS rights (such as protection from interference) within its license area, so that "other parties can operate terrestrially – "[a] licensee of AWS-4 authority should be permitted the discretion to determine the amount of spectrum it will occupy and the

area it will serve consistent with its business plan. (¶252). We believe that this policy makes sense for all MSS providers and that all should be treated similarly.