

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
LightSquared Technical Working Group Report	)	IB Docket No. 11-109
	)	
LightSquared License Modification Application, IBFS Files Nos. SAT-MOD-20120928-00160, - 00161, SES-MOD-20121001-00872	)	IB Docket No. 12-340
	)	
New LightSquared License Modification Applications IBFS File Nos. SES-MOD-20151231- 00981, SAT-MOD-20151231-00090, and SAT- MOD-20151231-00091	)	IB Docket No. 11-109; IB Docket No. 12-340
	)	
Ligado Amendment to License Modification Applications IBFS File Nos. SES-MOD-20151231- 00981, SAT-MOD-20151231-00090, and SAT- MOD-20151231-00091	)	IB Docket No. 11-109
	)	

**REPLY TO OPPOSITION TO PETITIONS FOR  
RECONSIDERATION OF LIGADO NETWORKS LLC**

Pursuant to Section 1.106 of the Federal Communications Commission’s (“Commission’s”) rules,<sup>1</sup> the Resilient Navigation and Timing Foundation (“RNTF”) files this reply to the opposition to petitions for reconsideration or clarification (“Opposition”) filed by Ligado Networks LLC (“Ligado”) on June 1, 2020 in the above captioned proceedings.<sup>2</sup>

Ligado, in its Opposition, misrepresents the history of the Commission’s proceeding on the Mobile-Satellite Service (“MSS”) Ancillary Terrestrial Component (“ATC”). The

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<sup>1</sup> 47 C.F.R. § 1.106.

<sup>2</sup> Opposition to Petitions for Reconsideration or Clarification of Ligado Networks LLC, IB Docket Nos. 11-109, 12-340 (filed Jun. 1, 2020).

Commission specifically prohibited stand-alone terrestrial services in its 2003 MSS ATC Report and Order (“2003 ATC Order”), stating in section I paragraph 1 that “We do not intend, nor will we permit, the terrestrial component to become a stand-alone service.”<sup>3</sup> Simply put, the Commission provided welcome assurances that stand-alone terrestrial services would not be permitted in the spectrum bands reserved for satellite services. Ligado’s claim that the 2003 MSS ATC rulemaking addressed their current stand-alone terrestrial service in its Opposition is thus completely without merit.

The Commission’s decision in the March 26, 2010 Harbinger Acquisition Order<sup>4</sup> that required Ligado’s predecessors to provide stand-alone terrestrial broadband service, in apparent violation of Commission MSS ATC rules prohibiting stand-alone terrestrial services in the MSS L-band, was a significant departure from its 2003 commitment, as was the subsequent decision in 2011 to conditionally waive<sup>5</sup> the Integrated Service rule to allow provision of such services. Neither decision addressed the fundamental question of whether the Commission should make a terrestrial Mobile Service allocation in the MSS L-band. Provision of independent or stand-alone terrestrial service in the MSS L-band should have necessitated a Notice of Proposed

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<sup>3</sup> *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, FCC 03-15, 18 FCC Rcd 1962, 1965 (2003).

<sup>4</sup> *SkyTerra Communications, Inc., Transferor and Harbinger Capital Partners Funds, Transferee; Applications for Consent to Transfer of Control of SkyTerra Subsidiary, LLC*, Memorandum Opinion and Order and Declaratory Ruling, Release No. DA 10-535, 25 FCC Rcd 3059 (2010).

<sup>5</sup> *LightSquared Subsidiary LLC; Request for Modification of its Authority for an Ancillary Terrestrial Component*, Order and Authorization, 26 FCC Rcd 566 (2011) (waiving the Integrated Service rule).

Rulemaking (“NPRM”) for the reallocation of the MSS spectrum to include a new Mobile Service allocation as required under the Administrative Procedure Act. Indeed, the Commission has now authorized precisely what it said in 2003 that it would prevent – a stand-alone terrestrial service – and there has never been a notice and comment rulemaking proceeding on that matter. Buried in this licensing decision, therefore, is a public policy decision of immense importance, and yet one that was never properly the subject of public notice and comment rulemaking process.

Moreover, no service rules proceeding (e.g., rules for use of the terrestrial mobile service allocation, which are the next step in the normal regulatory process), where mechanisms and criteria to ensure compatibility between operations such as those proposed by Ligado and GPS would have been debated in a public comment process, has ever occurred. This means the relative merits of the various protection criteria (performance based metrics, as Ligado has advocated, or the 1 dB Interference Protection Criteria advocated by the federal agencies and GPS user groups) have never been discussed in the context of an open and transparent rulemaking proceeding.

The choice of appropriate protection criteria has been and is a fundamental difference between Ligado and those opposing its application. The Commission’s decision to favor the criterion used in studies sponsored by Ligado and not that used in government-sponsored studies placed in the record represents another fundamental public policy decision – one that clearly affects the safety of navigation services and therefore the safety of life. This decision too should have been subject to public scrutiny, comment, and far more deliberate consideration.

That these substantial policy and regulatory issues were improperly buried in a licensing decision and not subject to the full public discussion that a rulemaking proceeding would have

facilitated requires that the Order and Authorization (“Order”) adopted in the instant proceeding be reconsidered and withdrawn. The lack of an NPRM on the de facto reallocation of spectrum for stand-alone terrestrial services in the MSS L-band, and the Commission’s similarly unreviewed use of a “performance-based” criterion for the identification of harmful interference, are serious process flaws that deprived the public of an open debate on critical issues the Commission decided in the Order.

The Commission improperly used a licensing proceeding, rather than a fully transparent rulemaking process, to decide significant policy and regulatory issues in at least two instances mentioned herein. For these and other reasons, the Order should be reconsidered and rescinded immediately.

Respectfully submitted,

By:



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June 8, 2020

## CERTIFICATE OF SERVICE

I, Dana A. Goward, President of the Resilient Navigation and Timing Foundation, hereby certify that on this 8<sup>th</sup> day of June, 2020, I caused a copy of the foregoing Reply of the Resilient Navigation and Timing Foundation to be served via mail, or via email pursuant to agreement with each party and/or its counsel of record, on the following parties:

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