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May 28, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: IB Docket No. 02-364

EX PARTE NOTICE

Dear Ms. Dortch:

On May 27, 2004, Tony Navarra, President of Globalstar LLC, James Lynch of Thermo Capital Partners, L.L.C., Thomas Gutierrez of Lukas Nace Gutierrez & Sachs, Chartered, and the undersigned participated in a meeting with Breck Blalock, Richard Engelman, Jennifer Gorny, Paul Locke, David Strickland, Cassandra Thomas and Tom Tycz, all of the International Bureau.

We discussed Globalstar's positions on issues raised in the Big LEO L-band rulemaking (IB Docket No. 02-364). Specifically, we made the following points:

- Globalstar believes that TDMA and CDMA Mobile-Satellite Service ("MSS") systems can develop spectrum-sharing strategies through coordination, and Globalstar is willing to work on developing such strategies.
- Globalstar is deploying high data rate products for aviation services which FAA/RTCA regulations require to operate above 1616 MHz in the Big LEO L-band. Globalstar is actively marketing these products to the aviation industry, and is in discussions with domestic and international airline carriers. Demonstrations and trials are now in progress. Accordingly, Globalstar needs a certain number of unshared channels above 1616 MHz for the deployment of these services.
- A spectrum *sharing* scenario that limited Globalstar's exclusive spectrum to 1616 MHz and below would not meet the needs of the company to provide these aviation services. Also, assigning spectrum

to ATC in this scenario would be dependent on the effectiveness and outcome of the coordination process for shared spectrum.

- A plan for sharing the 3.1 MHz of spectrum between 1618.25 MHz and 1621.35 MHz would need to respect Globalstar's channel boundaries. The band edge of CDMA Channel 7 is 1618.89 MHz. The band edge of Channel 8 is 1620.12 MHz. If such a plan were adopted, sharing should be limited to above Channel 7.
- An actual reduction in the number of channels available for Globalstar services in either the Big LEO CDMA L-band uplink or S-band downlink, or both, can have an impact on the specific services that Globalstar provides and is providing right now because of the channel requirements of various services, as described in Globalstar pleadings in this docket.
- A reduction in the number of channels available to Globalstar at either L-band or S-band may impact Globalstar services internationally, if other countries attempt to follow the Commission's action.
- There are potential technical methods for protection of terrestrial services operating in a segment of S-band, but determining the success of such methods would require further review of the parameters of the terrestrial and satellite stations. Similarly, the successful sharing of a segment S-band with terrestrial stations and the various Globalstar services depends on maintaining the existing Big LEO PFD limits.
- Also, if Globalstar's S-band were reduced by 5 MHz, it would be difficult to deploy ATC because of the loss of flexibility in assigning channels to various services and the need for the remaining spectrum for current MSS services.
- The record in IB Docket 02-364 has demonstrated that Globalstar is using Big LEO CDMA spectrum fully, and that Iridium does not need additional spectrum at this time to meet its capacity requirements. As Globalstar has explained in its filings in this docket, given the current use of Big LEO spectrum, the record establishes that there is no reason for the Commission to change the existing Big LEO spectrum assignments or to take spectrum away from Big LEO MSS.
- The Commission has not established a standard by which to measure use or non-use of spectrum by operational Big LEO systems that would justify a decision to curtail the existing Big LEO spectrum assignments.

- Globalstar believes that, if the Commission decides to impose new rules for L-band and S-band Big LEO MSS operations, it should seek reaction of the interested parties to specific proposals before adopting a Report and Order in this docket.
- Additional time to review with the parties proposals currently under discussion would likely result in improvement of any final rules. There is unlikely to be any harm to the interested parties from a short delay in adopting new rules.

Globalstar also noted that it has emerged from financial restructuring and has initiated a variety of new projects to improve and expand service to the public. These products include broadband services to public safety and government organizations and the high data rate aviation products described above. Access to sufficient spectrum to provide these services is critical to Globalstar and its customers in the U.S. In short, Globalstar is using its assigned spectrum to provide innovative new services in the United States and globally, thereby fulfilling the Commission's expectations for Big LEO MSS.

Pursuant to Section 1.1206(b)(2), this letter is being filed IB Docket 02-364 over the Commission's Electronic Comment Filing System and copies are being e-mailed to the FCC Staff identified below.

Respectfully submitted,


William D. Wallace

cc: Breck Blalock
Richard Engelman
Jennifer Gorny
Howard Griboff
Paul Locke
David Strickland
Cassandra Thomas
Tom Tycz
Sam Feder
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