



The LightSquared Battle is Heating Up

As we enter 2012, one of our biggest foci continues to be the battle with LightSquared. The company has been working hard to persuade the FCC to let it go forward with its plan, despite the fact that the latest tests show that 75% of GPS devices will be affected. — **BY LAURENCE SOCCI**

Recently, LightSquared took steps to stake its claim on its licensed spectrum space. On December 20, 2011, LightSquared filed a Petition for Declaratory Ruling with the FCC regarding the “regulatory status of commercial Global Positioning System (GPS) receivers vis-à-vis LightSquared’s authorized operation in the 1525-1559 MHz Mobile Satellite Service (MSS) band.” In its Petition, LightSquared wants the FCC to declare that:

- (1) Manufacturers and users (emphasis added) of unlicensed commercial GPS receivers lack standing to file complaints or other pleadings seeking “protection” from allegedly incompatible operations in adjacent MSS bands;
- (2) Commercial GPS receivers have no independent right to “protection” from operations in adjacent MSS bands other than the guarded band that would separate LightSquared’s operations in the MSS band from commercial GPS operations in the RNSS band;
- (3) Commercial GPS devices that receive GPS signals in the MSS band are “nonconforming” and inconsistent with the MSS allocation in that band, and as such are not entitled to any “protection” regardless of whether they are licensed; and
- (4) The costs of ensuring that GPS devices are compatible with adjacent band operations—including any costs to retrofit legacy devices—are the responsibility of the GPS manufacturers; or are not the obligation of MSS/ATC licensees.

LightSquared claimed that it should be granted a Declaratory Ruling because: (a) users and manufacturers of unlicensed commercial GPS receivers lack standing to complain about alleged interference, (b) commercial GPS receivers have no general “protection” from LightSquared’s operation, (c) commercial GPS operations in the MSS band represent a nonconforming use that is not entitled to “protection” and (d) the commercial GPS industry must bear the costs of ensuring that its receivers are compatible with adjacent MSS/ATC operations.

Fortunately, Congress recognized the potential harm to high-precision GPS devices that LightSquared’s plan will cause and has taken steps to slow down LightSquared’s plan.

The National Defense Authorization Act of 2012, which was signed into law by President Obama on December 31, 2011, contains a provision entitled, “Harmful Interference to Department of Defense Global Positioning System” (Section 911). The language of this provision is pretty clear: “The Federal Communications Commission shall not lift the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted on January 26, 2011 (DA 11–133), or otherwise permit such operations, until the Commission has resolved concerns of widespread harmful interference by such commercial terrestrial operations to covered GPS devices.”

The provision concludes by stating that the term “covered GPS device” means a Global Positioning System device of the Department of Defense. The provision also requires the FCC and the Secretary of Defense to make periodic reports to Congress on the status and results of testing done on covered GPS devices.

Earlier this year, many Members of Congress joined together to send letters (one from the House and one Senate) to the Chairman of the FCC, advising him to not give LightSquared clearance to move forward unless and until it proved that the GPS will not be impacted.

During our Lobby Day on Capitol Hill in December, the LightSquared issue was at the forefront of all of our meetings. Members of Congress and staff with whom the Lobby Day participants met heard loud and clear that this issue is vitally important to surveying professionals. Ultimately, though, it will be the FCC, not Congress, which will decide the fate of LightSquared. Be assured, LightSquared

will not go away quietly. They are fighting with an army of lobbyists and a billion-dollar bankroll.

We can win; but we need your help. We need you to send a letter to the FCC telling them that as a user of a commercial high-precision GPS receiver, you **OPPOSE** LightSquared’s request for a Declaratory Ruling, and that you believe you do have standing to file petitions with the FCC to protect your investment and your livelihood.

An Action Alert was sent out recently asking you to contact the FCC on this issue. Because this issue is so important, the instructions for submitting a letter to the FCC, the instructions are repeated here. Please let the FCC know your views on this important issue.



Your letter should be addressed to:

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St. SW, Washington, DC 20554

Reference it to: LightSquared Subsidiary, LLC
Ex Parte Communication. IB Docket No. 11-109
IBSF File No. SAT-MOD-20101118-00239

Then submit your letter to the FCC International Bureau Electronic Filing System (IBFS), following these steps:

1. Go to <http://licensing.fcc.gov/myibfs/pleading.do> and fill in the requested information. In the drop down menu, select pleading type. The selection of “letter” is most likely the correct one; “ex parte presentation notification letter” is used to report a prior oral ex parte meeting and would not be correct here. Keep “no” checked on the “confidential information” line. Please note that there is no need to have or use an FCC Registration Number (FRN). Fill out the information fields; there is no need to fill out the “Con-

- tact Information” field if the sender is posting directly.
2. Upon completing the form, hit “Next Step” and you will be directed to a page requesting the FCC file number for the LightSquared modification—**SAT-MOD-20101118-00239**. Copy and paste the complete file number in the box. Click “Add File Numbers to Pleading List” and then check the box in the row that appears with the file number. Click “Next Step”.
 3. The next step is to upload your letter. Click the icon under “Replace/Attach” and proceed to fill out the description of the letter. Follow the upload instructions. The letter should be in pdf format.
 4. Click “Submit” after the letter is uploaded. You will receive an electronic confirmation that you can print and retain for your files.
- Thank you for your help! It is vital that we do everything we can to prevent LightSquared from convincing the FCC to ignore the latest test results and allow LightSquared to go forward—despite the fact that it has been shown to hinder nationwide GPS! (laurence@theclagroup.com)

UPDATE (FEB. 4, 2012)

On January 27, 2012, the FCC issued a Public Notice asking for comments on LightSquared’s Petition for Declaratory Ruling requesting that the Federal Communications Commission (FCC) “resolve the regulatory status” of commercial Global Positioning System (GPS) receivers, to the extent their operations may be impaired by the ancillary terrestrial component (ATC) of LightSquared’s licensed operations in the 1524-1559 MHz Mobile Satellite Service (MSS) band. The full Public Notice can be found here: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7021857259>

Comments must be received by February 27 2012, with Reply Comments by March 13, 2012

In the Public Notice, the FCC recognizes that there may be two separate issues regarding LightSquared’s petition: (1) whether LightSquared’s Petition should or should not be granted; and (2) general issues about the regulatory status of GPS devices. Comments relating whether or not LightSquared’s Petition should be granted should be filed under IB Docket No. 11-109. Comments relating to the general issues about the regulatory status of GPS devices should be filed under ET Docket No. 10-142.

Comments can be filed by using this link: <http://fjallfoss.fcc.gov/ecfs/upload/display?z=sjbcj>

Please read the full Public Notice before filing comments. **The Public Notice number is DA 12-103.** If you have any questions, please contact Curt Sumner at Curtis.Sumner@acsm.net or Laurence Socci at laurence@theclagroup.com.

Thank you for your attention to this very important issue.