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***The following may be attributed to Jim Kirkland, Vice President and General Counsel of Trimble, in response to a recent statement by LightSquared General Counsel Curtis Lu:***

“Mr. Lu’s statement yet again repeats inaccurate statements that LightSquared has for years been authorized to build a nationwide terrestrial network using mobile satellite spectrum and that the GPS industry and Trimble should have designed GPS receivers differently to accommodate this alleged authorization.

“The statement neglects to mention the crucial fact that high-precision receivers like those sold by Trimble and Deere & Co. are uniquely susceptible to interference from LightSquared’s proposed terrestrial operations because they have been designed to use commercial services provided by LightSquared and Inmarsat in the mobile satellite band, services still being offered today. The receivers were designed to meet contractual requirements of LightSquared and Inmarsat. Trimble finds it very odd that LightSquared now says that these designs are deficient, since it has happily collected revenue for these services in the timeframe the statement describes.

“More broadly, the statement’s account of prior FCC decisions is inaccurate. In 2003 and 2005, the FCC only authorized terrestrial operations in the MSS band to fill in the footprint of a satellite service. The FCC reaffirmed that this was all that was authorized as recently as March 2010 in the National Broadband Plan. FCC rules also did not allow the terrestrial-only broadband services LightSquared now wants to provide. The 2004 FCC filing that Mr. Lu cites was made in the context of what the FCC actually permitted then, not what LightSquared is proposing today.

“The marketplace evidence also shows that permitted terrestrial use of MSS spectrum was very limited. LightSquared’s hedge fund owners bought out LightSquared’s predecessor in 2010 at a fraction of what its MSS spectrum would be worth if it was usable for nationwide terrestrial use. If, as Mr. Lu suggests, everyone understood that mobile satellite spectrum could be used for nationwide terrestrial broadband services in 2003, or 2005, that spectrum would have sold for much more. LightSquared clearly wants to keep that multi-billion dollar spectrum windfall for itself, which helps to explain why it is so busy trying to rewrite history.

“Like everybody else, including the Department of Defense and the FAA, among others, the GPS industry expected the FCC to enforce its historical restrictions on use of the MSS band, and preserve the ‘quiet neighborhood’ in what has been satellite spectrum for decades. Moreover, FCC rules have always prohibited MSS terrestrial operations from interfering with GPS. So calling GPS equipment designed to take into account FCC rules and policies in place at the time ‘deficient’ is self-serving and baseless across-the-board.

“Starting in 2010, LightSquared asked the FCC to change or waive its basic policies, and the FCC has said that LightSquared will not be allowed to operate unless interference is eliminated. The FCC has also said that more testing is required to determine the magnitude of the interference problem, despite LightSquared’s continued claims that it has “solved” the problem. If LightSquared is not able to prevent interference to the hundreds of thousands of existing high-precision or other receivers used by the Department of Defense, farmers and other small businesses, among many others, it will need to pay the costs of replacing those receivers. LightSquared doesn’t get to pick and choose which interference it will solve, or just announce how much it is willing to pay.

“Mr. Lu’s brief quotations from Trimble SEC filings are not relevant to what the FCC did or didn’t authorize LightSquared to do. GPS receivers are potentially affected by many spectrum uses, not just mobile satellite services, and identifying the risks of interference in SEC disclosures is simply good business practice. These disclosures certainly do not mean that Trimble is obligated to accept such interference, and Trimble diligently opposes interfering uses like LightSquared’s.”

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