
**FOR IMMEDIATE RELEASE: November 8, 2011**
**CONTACT:** Prism Public Affairs
Dale Leibach: 202-207-3630 or dleibach@prismpublicaffairs.com
Anne Tyrrell: 202-207-3632 or atyrrell@prismpublicaffairs.com

# FCC Should Promptly Rule that LightSquared Cannot Use Upper MSS Band for Terrestrial Operations

*In filing with FCC, Coalition says terms of conditional waiver have not been met and the waiver should be revoked for upper band; cites "impermissible interference" when both bands transmit*

WASHINGTON, D.C. – In a filing with the Federal Communications Commission (FCC), the Coalition to Save Our GPS today called on the Commission to "promptly rule" that LightSquared can never use the upper mobile satellite spectrum (MSS) band for high powered terrestrial operations. Such use of the upper band "should be taken off the table now," the filing said.

The filing said that the terms of the FCC International Bureau's decision to grant a conditional waiver for LightSquared to operate in the upper and lower 10MHz MSS bands specified that LightSquared prove its planned operations would not cause interference with GPS and that "the FCC should make clear now that the condition imposed in the January 2011 Waiver Order has not been satisfied and that the waiver is revoked with respect to the upper MSS band."

It said the "continued uncertainty regarding whether LightSquared may use that spectrum for stand-alone terrestrial operations is contrary to the public interest," and that, "While all of the evidence points to the fact that LightSquared will never be able to use the upper 10MHz band for terrestrial operations, LightSquared has refused to surrender its use of that spectrum for terrestrial use, making further progress on the potential use of the lower 10 MHz band much more difficult than it needs to be." The filing stated that a "prompt ruling" that foreclosed the option of using the upper band "will also create a much more constructive and solutions-oriented process for completion of consideration of LightSquared's proposed lower band operations."

The filing noted that there is "overwhelming technical evidence" that if LightSquared is permitted to operate in both the lower and upper MSS bands that those transmissions would create "impermissible interference" with GPS and other satellite signals "well outside of LightSquared's authorized frequencies," and said that once tests earlier this year had shown the use of the upper band caused devastating interference to GPS "there has been little further consideration of the overwhelming evidence of problems with upper band operations" even though LightSquared has said it may need to use the upper band as early as 2015.

The filing stated that, "In the absence of a decision from the Commission relative to the upper MSS band, the GPS industry, as well as critical government and private users of GPS products and applications, are in an untenable position." That's because, it said, LightSquared has "repeatedly

acknowledged" that any solution to the interference in the lower band will require that a "substantial, as yet undetermined, number of GPS devices be either retrofitted or replaced. At a minimum, this includes a large number of expensive high precision devices in use in critical economic sectors such as agriculture, aviation, and construction, as well as government uses including national defense, disaster response, and public safety. Many of the affected receivers, such as those used in aviation and defense, are subject to lengthy and expensive certification and testing processes that can take up to a decade to complete, and devices that pass that lengthy process then remain in service for many years." The filing added that many commercial high precision devices typically have useful lives in excess of 10 years.

So, the filing said, "Without FCC action stating that LightSquared may not use its upper 10 MHz of MSS spectrum in its densely deployed terrestrial network, affected users may be required to go through a time consuming and highly disruptive transition process to accommodate LightSquared's lower band operations – only to face demands from LightSquared that they expend significant resources on another round of upper band testing a few years from now, notwithstanding the proven technical futility of such an effort, and pressure to undertake further efforts and disruption to accommodate LightSquared's business plans for the upper 10 MHz. This suggestion is contrary to any notion of the public interest."

Additional points made in the filing include:

- The interference potential from the use of the upper band is clear and undisputed, which includes testing results showing that LightSquared's proposed network would result in the loss of airborne GPS use in large portions of the United States and the "potential to cause GPS failure for hundreds of millions of cell phones."
- Simultaneous transmission in both the upper and lower MSS bands cause "intermodulation" that, because of the close proximity of the MSS band to the GPS band cause interfering signals to occur "in the center of the GPS band."
- Use of the upper band will have a particularly severe impact on military uses of GPS, including the military signal designated the "M code," which was finalized by the military in 2000 and made a matter of public record at the time.
- Future use of the upper MSS band is inconsistent with LightSquared's proposal for mitigation of lower band interference to high precision GPS receivers.
- LightSquared has "offered no solutions – because none exist – for resolving interference from its proposed operations in the upper 10 MHz. . .it is plain that there simply is no means to address the interference that would be caused by LightSquared's use of the upper 10 MHz."

# # #