



November 2008

WiMax ATC OK'd for MSS

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The FCC has granted in part a request by Globalstar Licensee LLC (Globalstar) to modify its authority for an ancillary terrestrial component (ATC) to be operated in conjunction with the Globalstar Mobile Satellite Service (MSS) system. The FCC authorized Globalstar to use the WiMAX air interface protocol and granted an interim waiver of the ATC “gating criteria”. The FCC's *Order and Authorization* permits Globalstar and its spectrum lessee, Open Range Communications, Inc. (Open Range), to begin deployment of a rural broadband service consistent with a \$267 million loan commitment from the Rural Development Utilities Program of the U.S. Department of Agriculture. The ATC spectrum authorized to Globalstar is the 1610-1617.775 MHz band and from 2483.5-2495 MHz.

The FCC conditioned its interim waiver on Globalstar launching its second-generation satellite constellation within two years and offering a dual-mode handset by 2011. Globalstar's authorization will be rescinded if the anticipated deadlines for compliance with the gating criteria are not met.

The FCC's vote was a 3-2 split, with Chairman Martin in a rare dissenting role. Both Martin and Commissioner McDowell dissented, and expressed their concern that the Globalstar waiver would set an inappropriate precedent. The concern is that satellite carriers will use the “ancillary” ground-based systems to deliver most of their service rather than making satellite delivery their focus. The majority approved the waiver to facilitate the provision of rural broadband. Globalstar announced that the authorization would enable its partner, Open Range, to deploy wireless WiMAX services to over 500 rural American communities that currently do not have adequate access to terrestrial-based broadband voice and data services.