

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Modification of Licenses held by)	File Nos.
)	
Iridium Constellation, LLC and)	SAT-MS-20030515-00089
Iridium, US LP)	SES-MS-20030515-00666
)	
For a Mobile Satellite System in the 1.6 GHz)	
Frequency Band)	

ORDER TO SHOW CAUSE

Adopted: July 17, 2003

Released: July 17, 2003

By the Chief, Satellite Division, International Bureau:

I. INTRODUCTION

1. In this Order, we find that permitting Iridium Constellation, LLC and Iridium, US LP (collectively "Iridium") to continue to operate its "Big LEO" mobile-satellite service (MSS) system in the 1620.10-1621.35 MHz frequency band (Channel 9) will further important public interest requirements by providing critical support for the communications needs of U.S. forces in Iraq and the Middle East region. We therefore propose to modify Iridium's space station and earth station licenses pursuant to Section 316(a) of the Communications Act, 47 U.S.C. § 316(a), to authorize operations on these additional frequencies for 120 days, up to November 14, 2003, or until levels of usage and U.S. Government requirements no longer justify the need for additional spectrum, whichever occurs first. Any other licensee that believes its license would be modified by this proposed action may file a protest on or before July 28, 2003.

II. BACKGROUND

2. Iridium holds a license for a Big LEO MSS system that is authorized to operate in the 1621.35-1626.5 MHz frequency band.¹ It also holds a license for mobile user terminals that operate in the same band.² In April and May 2003, the Satellite Division granted Iridium's separate requests for special temporary authority to operate in the 1618.85- 1621.35 MHz frequency band.³ Another MSS system, Globalstar, L.P., is licensed to operate on these

¹ Motorola Satellite Communications, Inc., 10 FCC Rcd 2268 (1995), *corrected* 10 FCC Rcd 3925 (1995), *affirmed in part and modified*, 11 FCC Rcd 18502 (1996).

² U.S. Leo Services, Inc., 11 FCC Rcd 20474 (Int'l Bur. 1996).

³ See letter from Jennifer D. Hindin, Counsel, Iridium to Thomas S. Tycz, Chief, Satellite Division, FCC (Apr. 14, 2003); letter from Peter D. Shields, Counsel, Iridium to Thomas, S. Tycz, Chief, Satellite

frequencies (Globalstar channels 8 and 9). The Division found that grant of the STAs would allow Iridium to meet the critical communications needs of U.S. Government and Coalition forces in the Middle East and that there was no evidence of harmful interference.

3. On May 16, 2003, in response to an extension request from Iridium, the Satellite Division issued an Order to Show Cause proposing to modify Iridium's space and earth station licenses to operate on the additional frequencies through June 12, 2003.⁴ The U.S. Department of Defense (DoD) filed a letter supporting Iridium's request.⁵ Globalstar, L.P. and Globalstar USA LLC (Globalstar), Cornell University, and the National Radio Astronomy Observatory (NRAO) responded to the Order to Show Cause. Subsequently, the Satellite Division authorized Iridium to operate on the 2.5 MHz of additional spectrum for the one month period.⁶ The Division found that Iridium's use of the additional frequencies assisted U.S. forces with ensuring the safety of life and property, and thus promoted the public interest.⁷

4. On June 9, 2003, Iridium filed a request to extend its temporary authorization to operate in the 1620.10-1621.35 MHz frequency bands only (Channel 9), through July 12, 2003, stating it was still experiencing high levels of demand for its service in the Middle East region, predominantly from U.S. Government and Coalition Forces. Globalstar and Cornell University responded to Iridium's request. The Satellite Division granted Iridium's request, noting the continued public interest benefits of providing support to U.S. Forces engaged in peace enforcement operations in Iraq and Middle East Region. The Division also found that Iridium's request to use Channel 9 only was an appropriate response to lower traffic levels.⁸

5. On July 9, 2003, Iridium filed a request for extension of its authorization to operate in the 1620.10-1621.35 MHz frequency band (Channel 9), for 30 days, up to and including August 11, 2003.⁹ Iridium asserts that traffic levels on its system remain higher than usual, and have not decreased since its last request for additional time to operate on Channel 9. Iridium asserts that its uninterrupted access to the 1620.10-1621.35 MHz band is necessary to ensure that the needs of Coalition Forces in the Middle East region are met without a substantial

Division, FCC (Apr. 25, 2003); and Iridium Request for Special Temporary Authority to Provide MSS in the 1618.85-1620.10 MHz Frequency Band Until May 13, 2003 (filed May 2, 2003).

⁴ Letter from Peter D. Shields, Counsel, Iridium, to Thomas S. Tycz, Chief, Satellite Division, FCC (May 9, 2003); Iridium Constellation, LLC and Iridium, US LP, Order to Show Cause, DA 03-1722 (rel. May 16, 2003).

⁵ Letter from Carl Wayne Smith, General Counsel, Defense Information Systems Agency, DoD, to Karl Nebbia, Deputy Associate Administrator, National Telecommunications and Information Administration (May 13, 2003).

⁶ Modification of Licenses held by Iridium Constellation, LLC and Iridium, US LP, *Order*, DA 03-1917 (rel. June 11, 2003).

⁷ *Id.*

⁸ Modification of Licenses held by Iridium Constellation, LLC and Iridium, US LP, *Order*, DA 03-1949 (rel. June 16, 2003).

⁹ Letter from Peter D. Shields, Counsel for Iridium Constellation LLC, to Thomas S. Tycz, Chief, Satellite Division, FCC (July 9, 2003).

degradation in service.¹⁰ Iridium also asserts that its continued use of the additional spectrum will not cause harmful interference to other spectrum users. In particular, Iridium states that Globalstar has acknowledged it has not experienced harmful interference. Iridium also asserts that interference to radio astronomers is unlikely since Iridium seeks to use the channel farthest from the radio astronomy band.¹¹

6. In connection with Iridium's current temporary authorization, on July 11, 2003, Globalstar filed comments stating that it "maintains its previously expressed position that there is no factual basis for any further extensions" of Iridium's current temporary authorization and that the Commission lacks legal authority to grant special temporary authority "with extraterritorial effect." Furthermore, Globalstar alleged that Iridium had not provided any evidence to substantiate its claim of continued high demand.¹²

7. Globalstar Canada, a provider of MSS in Canada, filed comments indicating that Iridium's use of the 1620.10-1621.35 MHz frequency band has the potential to impair Globalstar Canada's operations in Canada.¹³ Although Globalstar Canada is not authorized to use these particular bands, it is working to demonstrate the extent of any such interference. Globalstar Canada also expresses its concern that Iridium is not authorized to use the subject frequency bands in Canada and that use of the bands in that country would violate Canadian law. Globalstar Canada requests that any extension of Iridium's temporary authorization be subject to the condition that Iridium cease use of the frequency band immediately if there is harmful interference with any of Globalstar's operations, including Globalstar Canada. Further, Globalstar Canada requests that Iridium obtain the necessary approvals to use the bands in foreign countries

8. In addition, the Defense Information Systems Agency (DISA) submitted a copy of letter sent to the National Telecommunications and Information Administration (NTIA) stating it supports Iridium's current request for an extension of its temporary operating authority.¹⁴ DISA notes that U.S. forces continue to have a significant presence in the Iraq and Middle East region, and that those forces continue to rely heavily on Iridium's system. It also notes that Iridium's use of the additional spectrum has had a positive effect on system performance and that the Department of Defense (DoD) is supportive of Iridium's request for an additional thirty-days to operate on that spectrum. It notes that contractual efforts to select a commercial cellular carrier to provide service in Iraq are in progress but service will not be available for several months. DISA states that DoD will continue to monitor Iridium system usage by U.S. forces and other key government entities that are engaged in the rebuilding of Iraq, and will advise the NTIA if the heavy use of Iridium's system subsides prior to the end of the thirty-day period.

¹⁰ *Id.* p. 3.

¹¹ *Id.* pp. 3-4.

¹² Letter from William Adler, Vice-President of Legal and Regulatory Affairs, Globalstar, to Thomas S. Tycz, Chief, Satellite Division, FCC (July 11, 2003).

¹³ Letter from Stephen B. Acker, Of Counsel to Globalstar Canada Co., to Thomas S. Tycz, Chief, Satellite Division, FCC (July 7, 2003).

¹⁴ Letter from Carl Wayne Smith, General Counsel, Defense Information Systems Agency, to Frederick R. Wentland, Associate Administrator, Office of Spectrum Management, National Telecommunications and Information Administration (July 10, 2003).

III. DISCUSSION

9 Pursuant to Section 316(a) of the Communications Act, we propose to modify Iridium's space and earth station licenses for its 1.6 GHz MSS system license to allow it to operate in the 1620.10-1621.35 MHz frequency band for 120 days, or until the traffic levels on Iridium's system no longer justify the need for the additional spectrum, which ever occurs first.¹⁵ Since April 2003, Iridium has experienced an extremely high level of demand for its service in the Middle East region, primarily from U.S. Government and Coalition Forces. As Iridium's most recent request indicates, demand for service has remained unchanged since the Division's June extension order. Although Iridium seeks authority to operate on Channel 9 until August 11, 2003, there is no indication that the demand for its service will decrease substantially within the next several months. As DISA states, efforts to select a commercial cellular carrier to provide service in Iraq are in progress, but service will not be available for several months. Over the course of the last 90 days, Iridium has found it necessary to request use of additional spectrum to meet U.S. Government needs. In various filings during this period, DoD generally has supported this need. These stated U.S. Government needs are in contravention to Globalstar's assertions that there is "no factual basis" for any further extension for Iridium.¹⁶ Accordingly, we find that it will serve the public interest, convenience, and necessity to allow Iridium to continue to provide these essential communications services to support vital U.S. Government operations in the Middle East.¹⁷ We further find that it would benefit the public interest, as well as the resources of the Commission and other licensees, to modify Iridium's authorization for a longer period than we have specified in previous authorizations. Specifically, we propose to authorize Iridium to continue to provide essential communication services in the Middle East as needed, up to November 14, 2003.

10. Consequently, in the Middle East region, we propose to afford the Iridium satellite system equal operating status with the Globalstar satellite system in the 1620.10-1621.35 MHz frequency band through November 14, 2003, or until such time as the demand for Iridium's service in the Middle East Region no longer justifies its use of the additional frequencies. In this regard, we propose to require Iridium to file a report with the Commission on the first day of each month, commencing September 1, 2003, demonstrating its need for the continued use of the 1620.10-1621.35 MHz frequency band.

11. This proposed modification would require Iridium and Globalstar to reconcile between themselves any interference issues between their two systems. In areas outside of the Middle East region, we propose to require Iridium to operate in these frequencies only on a non-harmful interference basis to the Globalstar system, and Iridium must reconcile any such reported interference to Globalstar. This requirement addresses Globalstar's Canada's claim.¹⁸ In addition, as indicated in a prior order, the Commission clearly has authority to take the actions proposed in this Order.¹⁹ Any modification to the Iridium license will be without prejudice to

¹⁵ 47 U.S.C. § 316(a).

¹⁶ See para. 6, *supra*.

¹⁷ DISA indicates that DoD will continue to monitor Iridium system usage by U.S. forces and other key government entities engaged in the rebuilding of Iraq.

¹⁸ See para. 7, *supra*.

¹⁹ See Modification of Licenses held by Iridium Constellation LLC and Iridium US LP, *Order*, DA 03-1917 (rel. June 11, 2003), n.18.

Commission action in the Commission's ongoing rulemaking proceeding in IB Docket No. 02-364 ("Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite-Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands").

12. Finally, pursuant to Section 316(b) of the Communications Act, and Section 1.87(c) of the Commission's rules, we afford Globalstar and any other similarly affected licensees an opportunity to protest this proposed modification.²⁰ Because the proposed modification to Iridium's license involves safety of life and property, we require Globalstar, and any other licensee that believes its license would be modified by this proposed action, to file any protest by July 28, 2003.

IV. ORDERING CLAUSES

13. Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act, 47 U.S.C. § 316(a), Iridium Constellation LLC SHALL SHOW CAUSE why its 1.6 GHz mobile-satellite system space and earth station licenses should not be modified to specify expanded operations in the 1620.10-1621.35 MHz frequency band up to November 14, 2003, or until the use of the additional frequency is not required, under the conditions specified above.

14. IT IS FURTHER ORDERED, that pursuant to Section 1.87(a) of the Commission's Rules, 47 C.F.R. § 1.87 (a) Iridium, may, no later than July 28, 2003, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause.

15. IT IS FURTHER ORDERED, that pursuant to Section 316(b) of the Communications Act, 47 U.S.C. § 316(b), and Section 1.87(c) of the Commission's Rules, 47 C.F.R. § 1.87(c), Globalstar LLC, or any other similarly situated licensee, may file a protest to the proposed modification of Iridium's license no later than July 28, 2003.

16. If the licensee or any other party raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Commission's rules, 47 C.F.R. § 1.87(a). Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statements are filed by July 28, 2003, the licensee will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the modification is found to be in the public interest.

17. IT IS FURTHER ORDERED, that a copy of this Order to Show Cause shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Iridium Constellation LLC

²⁰ 47 U.S.C. § 316(b); 47 C.F.R. § 1.87(c).

1600 Wilson Blvd., Suite 1000
Arlington, VA 22209-2594

Globalstar, L.P.
3200 Zanker Road
San Jose, CA 95134

18. For further information concerning this proceeding, contact Fern Jarmulnek, International Bureau (202) 418-0751.

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz
Chief, Satellite Division
International Bureau