

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

In the Matter of	)	File Nos. EB-08-SE-579, EB-09-SE-042
	)	
Globalstar Licensee, LLC and	)	Acct. No. 201132100002
GUSA Licensee, LLC	)	
	)	FRN # 0010011559
Wholly-Owned Subsidiaries of	)	
Globalstar, Inc.	)	

**ORDER**

**Adopted: October 6, 2010**

**Released: October 6, 2010**

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau (“Bureau”) of the Federal Communications Commission and Globalstar Licensee, LLC, and its affiliate, GUSA Licensee LLC, (collectively, “Globalstar”).<sup>1</sup> The Consent Decree terminates investigations by the Bureau against Globalstar for possible violations of Section 301 of the Communications Act of 1934, as amended (“Act”),<sup>2</sup> and Sections 25.102(a) and 25.117(a) of the Commission’s Rules (“Rules”),<sup>3</sup> regarding the operation of its Mobile Satellite Service constellation and its Mobile Earth Terminals.

2. The Bureau and Globalstar have negotiated the terms of the Consent Decree that resolve this matter. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigations.

4. In the absence of material new evidence relating to this matter, we conclude that our investigations raise no substantial or material questions of fact as to whether Globalstar possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 4(i) of the Act,<sup>4</sup> and Sections 0.111 and 0.311 of the Rules,<sup>5</sup> the Consent Decree attached to this Order **IS ADOPTED**.

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<sup>1</sup> Globalstar Licensee LLC and GUSA Licensee LLC are both wholly-owned subsidiaries of Globalstar, Inc.

<sup>2</sup> 47 U.S.C. § 301.

<sup>3</sup> 47 C.F.R. §§ 25.102(a), 25.117(a).

<sup>4</sup> 47 U.S.C. § 154(i).

<sup>5</sup> 47 C.F.R. §§ 0.111, 0.311.

6. **IT IS FURTHER ORDERED** that the above-captioned investigations **ARE TERMINATED**.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Gregory J. Vogt, Law Offices of Gregory J. Vogt, PLLC, 2121 Eisenhower Ave., Suite 200, Alexandria, Virginia, 22314 and to L. Barbee Ponder IV, General Counsel & Vice President Regulatory Affairs, Globalstar, Inc., 300 Holiday Square Blvd., Covington, Louisiana 70433.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison  
Chief, Enforcement Bureau

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In the Matter of	)	File Nos. EB-08-SE-579, EB-09-SE-042
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Globalstar Licensee, LLC and	)	Acct. No. 201132100002
GUSA Licensee, LLC	)	
	)	FRN # 0010011559
Wholly-Owned Subsidiaries of	)	
Globalstar, Inc.	)	

**CONSENT DECREE**

The Enforcement Bureau (“Bureau”) of the Federal Communications Commission (“Commission” or “FCC”) and Globalstar Licensee, LLC, licensee of the Mobile Satellite Service (“MSS”) constellation, Call Sign S2115, and its affiliate, GUSA Licensee LLC, licensee of Mobile Earth Terminals (“METs”) located in the continental United States and Alaska, Call Sign E970381 (collectively, “Globalstar”),<sup>1</sup> by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau’s investigations into whether Globalstar violated Section 301 of the Communications Act of 1934, as amended (“Act”),<sup>2</sup> and Sections 25.102(a) and 25.117(a) of the Commission’s Rules (“Rules”),<sup>3</sup> regarding the operation of its MSS constellation and METs.

**I. DEFINITIONS**

1. For the purposes of this Consent Decree, the following definitions shall apply:
  - (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151, *et seq.*
  - (b) “Adopting Order” means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - (c) “Bureau” means the Enforcement Bureau of the Federal Communications Commission.
  - (d) “Commission” and “FCC” mean the Federal Communications Commission and all of its bureaus and offices.
  - (e) “Compliance Plan” means the compliance obligations and compliance program described in this Consent Decree at Paragraph 12.
  - (f) “Effective Date” means the date on which the Bureau releases the Adopting Order.

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<sup>1</sup> Globalstar Licensee LLC and GUSA Licensee LLC are both wholly-owned subsidiaries of Globalstar, Inc.

<sup>2</sup> 47 U.S.C. § 301.

<sup>3</sup> 47 C.F.R. §§ 25.102(a), 25.117(a).

- (g) “Globalstar” means Globalstar Licensee, LLC, GUSA Licensee, LLC, as well as their parent companies, predecessors-in-interest, successors-in-interest, members and affiliates.
- (h) “Investigations” means (1) the investigation under File Number EB-08-SE-579, commenced by the Bureau’s March 17, 2009 Letter of Inquiry<sup>4</sup> (“LOI”), regarding Globalstar’s compliance with Section 301 of the Act<sup>5</sup> and Sections 25.102(a) and 25.117(a) of the Rules<sup>6</sup> with respect to its operation of METs; and (2) the investigation under File Number EB-09-SE-042, commenced by the Bureau’s April 15, 2009 LOI,<sup>7</sup> regarding Globalstar’s compliance with Section 301 of the Act and Sections 25.102(a) and 25.117(a) of the Rules with respect the operation of its MSS constellation.
- (i) “Parties” means Globalstar and the Bureau, and each a “Party.”
- (j) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

## II. BACKGROUND

2. Globalstar holds Commission authorization to operate a constellation of Low Earth Orbit (“LEO”) satellites (Call Sign S2115). Globalstar’s system is one of two systems operating in the 1610-1626.5 MHz “Big LEO” band, providing voice and data communications to users with handheld METs via non-geostationary satellites. Globalstar’s authorizations also include a blanket MET license (Call Sign E970381) to operate U.S. earth stations, which includes authority to operate handheld METs, in the Big LEO frequency bands. These authorizations are held pursuant to the provisions under Part 25 of the Commission’s Rules.<sup>8</sup> Section 301 of the Act<sup>9</sup> and Section 25.102(a) of the Rules<sup>10</sup> prohibit the use or operation of any apparatus for the transmission of energy or communications or signals by space or earth station except pursuant to Commission authorization. Section 25.117(a) of the Rules<sup>11</sup> governs when a licensee must obtain Commission approval before implementing modifications affecting the parameters or terms and conditions of a Part 25 radio station authorization.

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<sup>4</sup> See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to William F. Adler, Vice President, Legal and Regulatory Affairs, GUSA Licensee, LLC (March 17, 2009) (“*March 2009 LOI*”).

<sup>5</sup> 47 U.S.C. § 301.

<sup>6</sup> 47 C.F.R. §§ 25.102(a), 25.117(a).

<sup>7</sup> See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to William F. Adler, Vice President, Legal and Regulatory Affairs, GUSA Licensee, LLC (April 15, 2009) (“*April 2009 LOI*”).

<sup>8</sup> 47 C.F.R. Part 25.

<sup>9</sup> 47 U.S.C. § 301.

<sup>10</sup> 47 C.F.R. § 25.102(a).

<sup>11</sup> 47 C.F.R. § 25.117(a).

**A. Matter Under Review in Case File No. EB-08-SE-579**

3. ***MET Operations in Connection with Globalstar's MET Blanket License:*** Under the terms of its MET blanket license, Call Sign E970381, Globalstar may operate up to 250,000 Personal Tracker Axonn SPOT™ METs ("SPOT METs")<sup>12</sup> in the 1610-1621.35 MHz (Earth-to-space) band.<sup>13</sup> The Commission specifically added the SPOT METs to Globalstar's blanket authorization on June 30, 2008.<sup>14</sup> Prior to this license modification, Globalstar was authorized to operate station E970381 pursuant to license modifications granted in 2003<sup>15</sup> and 2007.<sup>16</sup>

4. On March 17, 2009, the Bureau issued an LOI to Globalstar concerning its operation of the SPOT METs and whether such operation was consistent with its previously granted authorization.<sup>17</sup> The March 2009 LOI directed Globalstar, among other things, to submit a sworn written response to a series of questions relating to Globalstar's compliance with Section 301 of the Act and Sections 25.102(a) and 25.117(a) of the Rules. On April 14, 2009, Globalstar responded to the Division's LOI.<sup>18</sup> The Bureau and GUSA Licensee, LLC entered into a Tolling Agreement on June 26, 2009,<sup>19</sup> and a Tolling Agreement Extension on September 2, 2009.<sup>20</sup> Thereafter, the Bureau and Globalstar entered into another Tolling Agreement on November 20, 2009,<sup>21</sup> and Tolling Agreement Extensions on March 18, 2010,<sup>22</sup> May 3,

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<sup>12</sup> In December 2009, Globalstar, Inc. and Spot LLC acquired the assets of Axonn L.L.C. and subsequently changed the authorized FCC grantee of this equipment, grantee code LV2, from Axonn L.L.C. to Spot LLC. FCC ID L2V-PT2; Letter from Paul Monte, Vice President-Development, SPOT LLC, to Mr. Joe Dichoso, Equipment Authorization Branch Chief, Office of Engineering and Technology, Federal Communications Commission (March 28, 2010).

<sup>13</sup> Operations are currently limited to the 1610-1618.725 MHz portion of this band. *See* note 32, *infra*.

<sup>14</sup> *See* File No. SES-MOD-20070921-01309 ("2008 Modification"). *See also* Satellite Communications Services Information Re: Actions Taken, Public Notice, Report No. SES-01047, July 2, 2008. This application was granted without prejudice to future enforcement action.

<sup>15</sup> *See* File No. SES-MOD-20021010-01758. *See also* Satellite Communications Services Information Re: Actions Taken, Public Notice, Report No. SES-00498, May 14, 2003 (granted May 13, 2003).

<sup>16</sup> *See* File No. SES-MOD-20070205-00189. *See also* Satellite Communications Services Information Re: Actions Taken, Public Notice, Report No. SES-00927, May 16, 2007 (granted May 14, 2007).

<sup>17</sup> *See* March 2009 LOI.

<sup>18</sup> *See* Letter from William F. Adler, Assistant Secretary, Globalstar USA, LLC and Secretary, GUSA Licensee LLC, to Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (April 14, 2009).

<sup>19</sup> *See* Tolling Agreement, File No. EB-08-SE-579, executed by and between Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, and William F. Adler, Secretary, GUSA Licensee, LLC (June 26, 2009).

<sup>20</sup> *See* Tolling Agreement Extension, File No. EB-08-SE-579, executed by and between Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, and William F. Adler, Secretary, GUSA Licensee, LLC (September 2, 2009).

<sup>21</sup> *See* Tolling Agreement, File Nos. EB-08-SE-579 and EB-09-SE-042, executed by and between Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, and William F. Adler, Secretary, GUSA Licensee, LLC and Secretary, Globalstar Licensee, LLC (November 20, 2009) ("*November 2009 Tolling Agreement*").

<sup>22</sup> Tolling Agreement Extension, File Nos. EB-08-SE-579 and EB-09-SE-042, executed by and between Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, and (continued....)

2010,<sup>23</sup> and August 10, 2010.<sup>24</sup> These agreements, among other things, permitted the Commission and Globalstar to continue discussions of the law and facts relating to the matter under review in this Investigation.

## B. Matters Under Review in Case File No. EB-09-SE-042

5. ***Satellite Operations in Connection with Globalstar's Big LEO Constellation:*** In a letter dated November 20, 2006, Globalstar submitted a certification to the Satellite Division ("Satellite Division") of the International Bureau of the Federal Communications Commission stating it would launch in mid-2007 eight satellites that were "technically identical" to the space stations authorized under its license, Call Sign S2115. Further, Globalstar's certification stated that it would change the number of operating satellites, in-orbit spares and in-orbit test-bed satellites, and the relative positions of the satellites within the authorized orbital planes.<sup>25</sup> On May 25, 2007, the Satellite Division informed Globalstar that the November 20, 2006 certification was not sufficient and that Globalstar should file a modification request and/or a request for Special Temporary Authority ("STA") in connection with its current and contemplated satellite configuration of its constellation.<sup>26</sup> On July 6, 2007, the Chief of the International Bureau directed Globalstar to file an application or applications for authorization to operate in its modified satellite configuration no later than ten business days from the date of the letter.<sup>27</sup> On July 13, 2007, Globalstar filed a request for a 180-day STA to operate its modified satellite configuration,<sup>28</sup> and thereafter, filed subsequent STAs to cover its operations in modified configurations.<sup>29</sup> On September 29, 2010, the International Bureau granted Globalstar's STA request.<sup>30</sup>

(Continued from previous page) \_\_\_\_\_

Gregory J. Vogt, Counsel for GUSA Licensee, LLC and Globalstar Licensee, LLC (March 18, 2010) ("*March 2010 Tolling Agreement Extension*").

<sup>23</sup> See Tolling Agreement Extension, File Nos. EB-08-SE-579 and EB-09-SE-042, executed by and between Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, and Gregory J. Vogt, Counsel for GUSA Licensee, LLC and Globalstar Licensee, LLC (May 3, 2010) ("*May 2010 Tolling Agreement Extension*").

<sup>24</sup> See Tolling Agreement Extension, File Nos. EB-08-SE-579 and EB-09-SE-042, executed by and between Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, and L. Barbee Ponder IV, General Counsel & Vice President Regulatory Affairs, Globalstar Inc. for and behalf of GUSA Licensee, LLC and Globalstar Licensee, LLC (August 10, 2010) ("*August 2010 Tolling Agreement Extension*").

<sup>25</sup> See Letter from William F. Adler, Vice President & Assistant Secretary, Globalstar Licensee, LLC & Globalstar, Inc., to John Giusti, Acting Chief, International Bureau, Federal Communications Commission at 1 (November 20, 2006).

<sup>26</sup> See Letter from Robert G. Nelson, Chief, Satellite Division, International Bureau, Federal Communications Commission, to William F. Alder, Vice President & Assistant Secretary, Globalstar Licensee, LLC & Globalstar, Inc. (May 25, 2007).

<sup>27</sup> See Letter from Helen Domenici, Chief, International Bureau, Federal Communications Commission, to William F. Alder, Vice President & Assistant Secretary, Globalstar Licensee, LLC & Globalstar, Inc. (July 6, 2007).

<sup>28</sup> See File No. SAT-STA-20070713-00098 (filed July 13, 2007). See also Public Notice, Satellite Space Applications Accepted for Filing – Policy Branch Information, Report No. SAT-000462 (August 3, 2007).

<sup>29</sup> See File Nos. SAT-STA-20080104-00003 (filed Jan. 4, 2008); SAT-STA-20080707-00142 (filed July 7, 2008); SAT-STA-20081205-00221 (filed Dec. 5, 2008); SAT-STA-20090527-00058 (filed May 27, 2009); SAT-STA-20091130-00131 (November 30, 2009); SAT-STA-20100526-00111 (filed May 26, 2010).

<sup>30</sup> See File No. SAT-STA-20070713-00098 (filed July 13, 2007), granted September 29, 2010. See also Public Notice, Actions Taken – Policy Branch Information, Report No. SAT-00725 (October 1, 2010).

6. ***Satellite Operations in Connection with Globalstar's Non-U.S. Big LEO Gateways:*** In its *October 2008 Modification Order*,<sup>31</sup> the Commission modified Globalstar's license, Call Sign S2115, by removing its authority to operate in the 1618.725-1621.35 MHz frequency band.<sup>32</sup> The *2008 Modification Order* was released on October 15, 2008 with an effective date 60 days thereafter.<sup>33</sup> On November 14, 2008, Globalstar filed a petition for reconsideration of the *2008 Modification Order*.<sup>34</sup> On December 15, 2008, Globalstar filed a request for waiver of the frequency assignments in the *2008 Modification Order* and, pending grant of the waiver, a request for STA in order to permit its continued operation using the 1618.725-1621.35 MHz band in countries and regions served by eight specified gateways.<sup>35</sup> On December 17, 2008, the International Bureau informed Globalstar that it must comply with the *2008 Modification Order* while its petition, waiver request, and STA request were pending.<sup>36</sup> In January 2009, Globalstar terminated operations in the 1618.725-1621.35 MHz frequency band in its France and Brazil gateways. In April and August 2009, respectively, Globalstar terminated operations in the 1618.725-1621.35 MHz frequency band in its Turkey and Australia gateways, leaving only the Russia gateways operating on these frequencies. Accordingly, in a letter dated August 17, 2009, Globalstar limited the scope of its waiver and STA request to three gateways in Russia.<sup>37</sup> On July 19, 2010, Globalstar withdrew its waiver request and modified its STA request seeking permission to operate the three Russian gateways in the 1618.725-1621.35 MHz band until September 15, 2010, when it expected it

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<sup>31</sup> See Globalstar Licensee, LLC (Call Sign S2115), GUSA Licensee, LLC (Call Sign E970381) and Iridium Constellation LLC (Call Sign S2110), Iridium Satellite LLC (Call Sign E960132), Iridium Carrier Services LLC (Call Sign E960622), Modification of Authority to Operate a Mobile Satellite System in the 1.6 GHz Frequency Band, *Order of Modifications*, 23 FCC Rcd 15207 (2008) (“*2008 Modification Order*”).

<sup>32</sup> See *2008 Modification Order* at 15207. As modified by the *2008 Modification Order*, the Commission permitted Globalstar to operate its space and earth stations in the 1610-1617.75 MHz frequency band on an exclusive basis, and in the 1617.775-1618.725 MHz band on a shared basis. See *2008 Modification Order*, 23 FCC Rcd at 15207. The Commission's *2008 Modification Order*, however, did not change Globalstar's authority to operate its space and earth stations in the 2483.5-2500 MHz frequency band. *Id.*

<sup>33</sup> See *2008 Modification Order*, 23 FCC Rcd at 15221.

<sup>34</sup> See Petition for Reconsideration of Globalstar Licensee, LLC and GUSA Licensee, LLC (filed November 14, 2008).

<sup>35</sup> See Request for Waiver and Request for Special Temporary Authority, in the Matter of Globalstar Licensee LLC (Call Sign S2115) and GUSA Licensee LLC (Call Sign E970381), Modification of Authority to Operate a Mobile Satellite System in the 1.6 MHz Frequency Band, File No. SAT-STA-20081215-00231 (filed Dec. 15, 2008). The gateways were identified as (1) Aussaguel, France; (2) Khabarovsk, Russia; (3) Moscow, Russia; (4) Novosibirsk, Russia; (5) Meekatharra, Australia; (6) Manaus, Brazil; (7) Petrolina, Brazil; and (8) Ogulbey, Turkey. On December 19, 2008, Globalstar's waiver and STA requests were placed on Public Notice. See Public Notice, Policy Branch Information, Satellite Space Applications Accepted for Filing, DA 09-238, Report No. SAT-00571 (Dec. 19, 2008).

<sup>36</sup> See, e.g., 47 C.F.R. § 1.106(n). See also Letter from Roderick K. Porter, Deputy Bureau Chief, International Bureau, Federal Communications Commission, to William T. Lake, Counsel for Globalstar, Wilmer, Cutler, Pickering, Hale and Dorr, LLP (December 17, 2008).

<sup>37</sup> See Letter from William F. Adler, Vice President-Legal & Regulatory Affairs, Globalstar, Inc. to Marlene Dortch, Secretary, Federal Communications Commission (August 17, 2009). Globalstar stated that it only required a waiver or STA for the three gateways in Russia (Khabarovsk, Moscow and Novosibirsk) as its other five gateways had ceased operation on the 1618.725-1621.35 MHz band in Aussaguel, France and in Manaus and Petrolina, Brazil as of January 29, 2009, in Ogulbey, Turkey as of April 30, 2009, and in Meekatharra, Australia as of July 31, 2009.

would complete steps necessary to vacate that spectrum.<sup>38</sup> On August 10, 2010, Globalstar notified the Commission that it had implemented all modifications necessary to cease use of frequencies in the 1618.725-1621.35 MHz band on the Russian gateways, and was no longer using these frequencies anywhere within its global satellite network.<sup>39</sup>

7. On April 15, 2009, the Bureau issued an LOI to Globalstar concerning operations in connection with its Big LEO constellation.<sup>40</sup> The April 2009 LOI directed Globalstar, among other things, to submit a sworn written response to a series of questions relating to Globalstar's compliance with Section 301 of the Act and Sections 25.102(a) and 25.117(a) of the Rules. On May 15, 2009, Globalstar responded to the Division's LOI.<sup>41</sup> The Bureau and Globalstar entered into a Tolling Agreement on November 20, 2009,<sup>42</sup> and Tolling Agreement Extensions on March 18, 2010,<sup>43</sup> May 3, 2010,<sup>44</sup> and August 10, 2010.<sup>45</sup> These agreements, among other things, permitted the Commission and Globalstar to continue discussions of the law and facts relating to the matters under review in this Investigation.

### III. TERMS OF AGREEMENT

8. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order without change, addition, modification, or deletion.

9. **Jurisdiction.** Globalstar agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

10. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other Order of the Bureau. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Bureau Order, entitling the Bureau to exercise any rights and remedies attendant to the enforcement of a Commission order.

11. **Termination of Investigations.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate its Investigations. In consideration for the termination of said Investigations, Globalstar agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that in the absence of new material evidence, the Bureau will not use the facts developed in these Investigations through the Effective

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<sup>38</sup> See Letter from Samir C. Jain, Counsel for Globalstar Licensee, LLC and GUSA Licensee, LLC, to Marlene Dortch, Secretary, Federal Communications Commission (July 19, 2010).

<sup>39</sup> See Letter from L. Barbee Ponder IV, General Counsel & Vice President Regulatory Affairs, Globalstar Inc. to Roderick K. Porter, Deputy Chief, International Bureau, Federal Communications Commission (August 10, 2010).

<sup>40</sup> See *April 2009 LOI*.

<sup>41</sup> See Letter from William F. Adler, Secretary, Globalstar Licensee LLC, Secretary, GUSA Licensee, LLC, and Vice President-Legal & Regulatory Affairs, Globalstar, Inc. to Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (May 15, 2009).

<sup>42</sup> See *November 2009 Tolling Agreement*.

<sup>43</sup> See *March 2010 Tolling Agreement Extension*.

<sup>44</sup> See *May 2010 Tolling Agreement Extension*.

<sup>45</sup> See *August 2010 Tolling Agreement Extension*.



Date, or the existence of this Consent Decree, to institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion against Globalstar concerning the matters that were the subject of the Investigations. The Bureau also agrees that in the absence of new material evidence, it will not use the facts developed in these Investigations through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against Globalstar with respect to Globalstar's basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

12. **Compliance Plan.** For purposes of settling the matters set forth herein, Globalstar agrees (i) to create and implement, within thirty (30) calendar days after the Effective Date, a Compliance Plan related to future compliance with the Act, the Rules, and the Commission's orders, and (ii) to establish operating procedures intended to ensure compliance with the terms and conditions of this Consent Decree and with Section 301 of the Act, and Sections 25.102(a) and 25.117(a) of the Rules. The Compliance Plan will include, but will not be limited to, the following components:

- (a) **Compliance Officer.** Within thirty (30) calendar days of the Effective Date, Globalstar shall designate a senior corporate manager as its Compliance Officer. The Compliance Officer will be responsible for implementing and administering the Compliance Plan.
- (b) **Training.** Globalstar will provide training and related materials concerning the Commission's regulatory requirements surrounding the licensing and operation of earth and space stations and the terms and conditions of this Consent Decree to all of its executive officers and employees who are directly or indirectly responsible for Globalstar's regulatory activities. Through its training program, Globalstar will ensure that such executive officers and employees are aware of all applicable provisions of the Act, the Rules, and Commission Orders regarding operation of its earth and space stations. Globalstar will also ensure that such executives and employees are aware of, and understand the requirements under Sections 25.114, 25.117 and 25.118 of the Commission Rules. Such training will be completed within ninety (90) days of the Effective Date, and any new employees will receive training within sixty (60) days of the commencement of their employment.
- (c) **Compliance Report.** Globalstar will file Compliance Reports with the Commission ninety (90) days after the Effective Date, twelve (12) months after the Effective Date, and twenty four (24) months after the Effective Date. Each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Globalstar, stating that the Compliance Officer has personal knowledge that (i) Globalstar has established operating procedures intended to ensure compliance with this Consent Decree and with Section 301 of the Act, and Sections 25.102(a) and 25.117(a) of the Rules together with an accompanying statement explaining the basis for the Compliance Officer's certification; (ii) Globalstar has been utilizing those procedures since the previous Compliance Report was submitted; and (iii) the Compliance Officer is not aware of any instances of non-compliance with either this Consent Decree or the Act, Rules, or Commission Orders. The certification must comply with Section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein. If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Globalstar, shall provide the Commission with a detailed explanation of: (i) any instances of non-compliance with this Consent Decree and the Act, Rules, and Commission Orders, and (ii) the steps that Globalstar has taken or will take to remedy each instance of non-compliance and ensure future compliance, and the schedule on which proposed remedial actions will be taken. All Compliance Reports shall be submitted to the Chief, Spectrum Enforcement Division,

Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W. Washington, D.C. 20554. All Compliance Reports shall also be submitted electronically to JoAnn Lucanik at JoAnn.Lucanik@fcc.gov and Nissa.Laughner@fcc.gov.

- (d) **Termination.** Unless stated otherwise, the requirements of this Paragraph 12 of the Consent Decree will expire twenty-four (24) months from the Effective Date.

13. **Voluntary Contribution.** Globalstar agrees that it will make a voluntary contribution to the United States Treasury in the amount of two hundred seventy-five thousand dollars (\$275,000). The payment will be made within thirty (30) days after the Effective Date. The payment must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the Account Number and FRN Number referenced in the caption to the Adopting Order. Payment by check or money order may be mailed to the Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Globalstar will also send electronic notification to JoAnn Lucanik at JoAnn.Lucanik@fcc.gov and Nissa Laughner at Nissa.Laughner@fcc.gov on the date said payment is made.

14. **Waivers.** Globalstar waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Bureau issues an Adopting Order adopting this Consent Decree without change, addition, modification or deletion. Globalstar shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither Globalstar nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Globalstar shall waive any statutory right to a trial *de novo*. Globalstar hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

15. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

16. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or Order adopted by the Commission (except an Order specifically intended to revise the terms of this Consent Decree to which Globalstar does not expressly consent) that provision will be superseded by such Commission rule or Order.

17. **Successors and Assigns.** Globalstar agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

18. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigations set forth herein. The Parties further agree that this Consent Decree does not constitute either an adjudication on the merits, or a factual or legal finding or determination regarding any compliance or noncompliance with the requirements of the Act or the Commission’s Rules and Orders.

19. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

20. **Paragraph Headings.** The headings of the Paragraphs in the Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

21. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree.

22. **Counterparts.** This Consent Decree may be signed in any number of counterparts (including by facsimile), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

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P. Michele Ellison  
Chief, Enforcement Bureau

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Date

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L. Barbee Ponder IV  
General Counsel & Vice President Regulatory Affairs  
Globalstar, Inc., for and on behalf of  
Globalstar Licensee, LLC and GUSA Licensee, LLC

\_\_\_\_\_  
Date