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May 20, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Chairman:

I write to raise questions regarding plans by LightSquared Subsidiary LLC (LightSquared) to operate a communications network as licensed by the Federal Communications Commission (FCC). It is my understanding that LightSquared has plans to deploy a terrestrial communications network using spectrum licensed by the FCC in close proximity to spectrum currently used by owners of Global Positioning Systems (GPS). As you know, GPS is used extensively throughout the agriculture, aviation, and transportation sectors. There is significant concern among current users that deployment by LightSquared will cause serious and sometimes debilitating interference, notwithstanding LightSquared's legal rights under any applicable license. In light of these concerns, please address the following questions and apprise me of relevant developments as the FCC continues its work on this issue.

1. It is my understanding that as a condition of its January 26, 2011 "Order and Authorization" granting a conditional waiver of certain FCC rules (waiver), the FCC has required LightSquared to participate in a Working Group to conduct rigorous testing and potential impacts on GPS receivers. Is it standard practice for the FCC to require this type of testing and impact study after a waiver and a license have been granted? Why did the FCC choose not to engage this process or require this information prior to granting a waiver?
2. In a letter dated March, 25, 2011, the Department of Transportation (DOT) and the Department of Defense (DOD) requested a "comprehensive study of all the potential interference" to GPS systems. I am concerned that DOT and DOD apparently viewed the FCC's work on the license as inadequate. Do the concerns raised by the DOT and DOD present novel issues to the FCC? Have these agencies previously expressed these concerns? Have their concerns been addressed? If not, does the FCC intend to address their concerns?
3. To what extent are current users of GPS devices entitled to legal protection by the FCC where those users experience interference because their device is overwhelmed by the transmission of signals by LightSquared on spectrum licensed to the company by the FCC? Does the answer change based on whether the device was manufactured after the FCC granted LightSquared a license in November, 2004?
4. Does the Working Group convened by the FCC anticipate that all necessary technical work—identifying qualified laboratories for testing activities, developing test plans and identifying devices,

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receivers, and systems to be tested, making arrangement for testing, and/or commencing testing—will be complete prior to the June 2011 deadline for the Final Report? If the testing raises new questions or concerns by the FCC, how does the FCC plan on addressing these questions? Will the FCC ensure these questions are answered?

The FCC's licensing of spectrum is a cornerstone of consumer use of current and emerging technologies. The lack of clarity on this issue is therefore deeply concerning. I look forward to working with you to make certain that consumers' use of spectrum is protected.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Johanns", written in a cursive style.

Mike Johanns
United States Senator

U.S. SENATOR • NEBRASKA

Mike Johanns



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To: The Honorable Julius Genachowski

From: Senator Mike Johanns

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Pages: 3 with cover sheet

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Date: 05/20/11

Re:

cc:

Comments:

Please contact Andrea Synborski at the above number if you have any questions