

Congress of the United States

Washington, DC 20515

June 14th, 2011

The Honorable Julius Genachowski
Chairman
The Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Mr. Chairman:

Following the May 13, 2011 House Committee on Energy and Commerce, Subcommittee on Communications and Technology hearing entitled “FCC Process Reform,” we have significant concerns that the Federal Communications Commission (FCC) International Bureau’s recent grant of conditional waiver of the Ancillary Terrestrial Component “integrated service” rule for LightSquared, a Mobile Satellite Service (MSS) licensee of L-Band spectrum, could cause harmful interference to the adjacent-band Global Positioning System (GPS). Of particular concern is the possibility that the installation and operation of tens of thousands of high-powered base stations in the LightSquared terrestrial network could overwhelm GPS receivers and create “dead spots” in GPS coverage – detrimentally impacting GPS users throughout the United States.

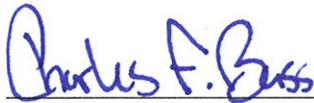
GPS is a national utility whose services are integral to economic growth, transportation, safety, and U.S. national security. Today, there are millions of GPS users, ranging from individuals, to federal, state and local governments, to businesses engaged in agriculture and construction. For example, intelligent transportation systems depend on GPS to improve safety, efficiency and environmental impact; utilities depend on GPS for network timing and synchronization; earthquake, volcano, dam and bridge GPS-based measurement and monitoring systems detect tiny movements used in risk analysis and disaster prediction; construction and surveying applications of GPS enable fewer lane closures, less traffic disruption and faster project completion; and farmers use GPS to reduce waste in chemical and fuel use. Critically, our nation’s first responders use GPS to respond to E911 calls and to map disasters and coordinate relief efforts.

The International Bureau’s waiver grant, while conditioned on LightSquared’s addressing the GPS interference concerns before commencing commercial service on its L-Band MSS frequencies, raises several procedural questions. First, despite the serious issues raised by the LightSquared proposal, the FCC used an abbreviated process to solicit comments and issue a decision. After that truncated period, a bureau of the FCC, without consideration and a vote by the Commissioners, granted LightSquared’s waiver request – and only then established a working group to perform interference testing. In the normal course, interference testing is conducted *before* a new spectrum use is permitted, not afterwards.

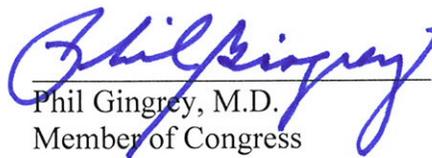
On a matter as important as this, the FCC should follow procedures that best ensure transparency and full deliberation. Accordingly, we urge the Commission to (1) open to public comment and reply comment, for a period no less than 30 and 45 days, respectively, the technical working group's final report, due to the FCC no later than June 15, 2011; (2) consult in full with the National Telecommunications and Information Administration (NTIA) to determine the complete impact that LightSquared's operations will have on critical governmental operations and to determine if these federal users have made their own assessments of the impact of LightSquared's operations on GPS; (3) terminate LightSquared's conditional authority if the test results and the responsive comments fail to conclusively demonstrate that there will be no harmful interference; and (4) consider any future action on LightSquared's request at the full Commission level.

We look forward to your response, and to seeing these recommendations incorporated in the Commission's further proceedings on this matter.

Sincerely,



Charles F. Bass
Member of Congress



Phil Gingrey, M.D.
Member of Congress



Brett Guthrie
Member of Congress