



L. Barbee Ponder IV

General Counsel & Vice President Regulatory Affairs

FOR PUBLIC INSPECTION

October 15, 2012

Ms. Mindel De La Torre
Chief, International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED - FCC

OCT 15 2012

Federal Communications Commission
Bureau / Office

Re: Globalstar Licensee LLC Annual MSS Report for Call Sign S2115

Dear Ms. De La Torre:

Pursuant to 47 C.F.R. § 25.143(e), Globalstar Licensee LLC hereby submits the attached information concerning the status of its 1.6/2.4 GHz Mobile Satellite Service system as of September 30, 2012.

Globalstar respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, the Commission withhold from public inspection and accord confidential treatment to portions of the attached annual report, which contain commercially sensitive information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").¹ Attached hereto is a public redacted copy of the annual report.

Exemption 4 permits parties to withhold from public information "trade secrets and commercial or financial information obtained from a person and privileged or confidential categories of materials not routinely available for public inspection."² Applying Exemption 4, the courts have stated that commercial or financial information is confidential if its disclosure will either (1) impair the government's ability to obtain necessary information in the future; or (2) cause substantial harm to the competitive position of the person from whom the information was obtained. *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974)(footnote omitted); *see also Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879-80 (D.C. Cir. 1992), *cert. denied*, 507 U.S. 984 (1993). Section 0.457(d)(2) allows persons submitting materials that they wish to

¹ See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

² *Id.*

be withheld from public inspection in accordance with Section 552(b)(4) to file a request for non-disclosure, pursuant to Section 0.459. In accordance with the requirements contained in Section 0.459(b) for such requests, Globalstar hereby submits the following:

(1) *Identification of Specific Information for Which Confidential Treatment is Sought (Section 0.459(b)(1))*. Globalstar seeks confidential treatment for portions of its Section 25.143(e) 2011 annual report, which contain information about the number of satellites in its first generation constellation that provide duplex service, and others that have been decommissioned.

(2) *Description of Circumstances Giving Rise to Submission (Section 0.459(b)(2))*. Section 25.143(e) requires an annual filing from Globalstar with this information.

(3) *Explanation of the Degree to Which the Information is Commercial or Financial, or Contains a Trade Secret or is Privileged (Section 0.459(b)(3))*. Portions of the annual report contain sensitive commercial information that Globalstar's competitors could use to Globalstar's disadvantage. The courts have given the terms "commercial" and "financial," as used in Section 552(b)(4), their ordinary meanings.³ Moreover, the Commission has broadly defined commercial information, stating that "[c]ommercial" is broader than information regarding basic commercial operations, such as sales and profits; it includes information about work performed for the purpose of conducting a business's commercial operations."⁴ Certain information contained in the annual report falls clearly within the definition of "commercial." Competitors could use this information to enhance their market position at Globalstar's expense.

(4) *Explanation of the Degree to Which the Information Concerns a Service that is Subject to Competition (Section 0.459(b)(4))*. Substantial competition exists in the mobile satellite service industry. The presence of competitors makes imperative the confidential treatment of sensitive commercial information. Indeed, for this reason, Globalstar's primary competitor, Iridium Satellite LLC, routinely requests and has obtained confidential treatment of information submitted to the Commission concerning the status of its mobile satellite service constellation. *See, e.g.,* Iridium Communications Inc., 1.6/2.4 GHz Mobile Satellite System License, Call Sign S2110, Section 25.143(e) Annual Report and Request for Confidential Treatment Pursuant to Sections 0.457 and 0.459 (filed Oct. 15, 2010).

³ *See Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983).

⁴ Memorandum Opinion and Order, Southern Company Request for Waiver of Section 90.629 of the Commission's Rules, 14 FCC Rcd. 1851, 1860 (1998) (*citing Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).

(5) *Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))*. As explained above in Section 3, release of the information contained in the redacted portion of the annual report could affect Globalstar's commercial operations. If competitors or customers had access to this information, it could negatively affect Globalstar's future negotiations with potential and existing customers.

(6) *Identification of Measures Taken To Prevent Unauthorized Disclosure (Section 0.459(b)(6))*. Globalstar treats the information contained in the redacted portion of the annual report as confidential information and has not disclosed it publicly, except to the extent necessary.⁵ Globalstar limits access to the information contained in the redacted portion of the annual report to necessary personnel only. In addition, Globalstar takes precautions to ensure that this information is not released to the general public or obtained by its competitors through other means.

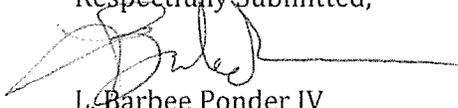
(7) *Identification of Whether the Information is Available to the Public and the Extent of Any Previous Disclosure of Information to Third Parties (Section 0.459(b)(7))*. Globalstar has not made the information in the redacted portion of annual report available to the public and has not disclosed the information to any third parties.

(8) *Justification of Period During Which the Submitting Party Asserts that the Material Should Not be Available for Public Disclosure (Section 0.459(b)(8))*. Globalstar respectfully requests that the Commission withhold certain information in the annual report from public inspection indefinitely. This information will remain commercially sensitive until the Globalstar 2.0 satellite constellation is launched and becomes fully operational.

⁵ Some information about decommissioned satellites and their final orbits was disclosed publicly as part of Globalstar's December 21, 2009 application wherein it was necessary to discuss Globalstar's orbital debris mitigation efforts. Information about those satellites is unredacted in the attached annual report. See Amendment to Application for Modification of Mobile Satellite Service Space Station license and Application for Modification of Mobile Satellite Service Earth Station and Mobile Earth Terminal Licenses, *Globalstar Licensee LLC, etc., Application for Modification of Nongeostationary Mobile Satellite Service System License (S2115) to Launch a Second-Generation System, etc.*, File Nos. SAT-MOD-20080904-00165, SAT-AMD-20091221-00147, at 18-19 (filed Dec. 21, 2009).

Should you have questions concerning these matters, please contact the undersigned.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'L. Barbee Ponder IV', is written over a horizontal line. The signature is stylized and cursive.

L. Barbee Ponder IV
General Counsel & Vice President Regulatory Affairs

REDACTED - FOR PUBLIC INSPECTION

GLOBALSTAR LICENSEE LLC

Call Sign S2115

Annual Report as of September 30, 2012

Pursuant to 47 C.F.R. § 25.143(e)(1):

(i) Globalstar launched the last eight of its 60 first-generation spacecraft on May 30 and October 21, 2007. The first-generation spacecraft that are no longer providing either duplex (L- and S-band) or simplex (L-band only) services in-orbit are shown in the table in Section (iv)(B) below.

(ii) There were no reportable system-wide outages during the 12-month period ending September 30, 2012; however, there were periodic temporary and permanent outages of individual satellites, nearly all attributable to degraded S-band antenna subsystems.

(iii) The Globalstar satellite system is utilized 24 hours a day, 7 days a week globally; however, not all of the seven authorized L-Band channels and thirteen authorized S-Band channels are in operation constantly. Channels are assigned based on U.S. and regional regulatory licenses, demand, changing peak requirements, and received interference.

(iv) (A) As of September 30, 2012, [BEGIN CONFIDENTIAL] [END CONFIDENTIAL] satellites had been declared failed, as detailed in Section (B), below. [BEGIN CONFIDENTIAL] [END CONFIDENTIAL] satellites continue to operate without impairment in the L-band, which supports Simplex data service, the most rapidly expanding part of Globalstar's business. Only [BEGIN CONFIDENTIAL] [END CONFIDENTIAL] of these satellites continue to provide reliable duplex service. However, duplex service throughout Globalstar's coverage area has improved substantially given the October 2010, July 2011, and December 2011 launches of six satellites each of Globalstar's second generation constellation. Globalstar anticipates the fourth launch occurring in early 2013 after the final six spacecraft are complete and delivered. Duplex service will continue to improve as Globalstar places additional second generation satellites into service over the next twelve months.

(B) Orbital Debris Mitigation. In early 2005, the Commission approved Globalstar's orbital debris mitigation plan for relocating satellites to graveyard orbit altitudes at end-of-life.¹ Although Globalstar is authorized to reposition up to six satellites to interim graveyard orbit altitudes to be maintained as in-orbit satellite test beds, it is not using any of the de-orbited satellites as test beds. The failed satellites have since been located to the following interim or final graveyard orbit altitudes:

¹ Stamp Grant, SAT-MOD-20030606-00098 and SAT-AMD-20050105-00003 (granted Jan. 28, 2005).

REDACTED - FOR PUBLIC INSPECTION

Annual Report as of September 30, 2012

Satellite	Interim Altitude	Estimated Maximum/ Final Altitude
FM-01	N/A	1515 km
FM-02	N/A	1859 km
FM-04	Catastrophic satellite bus failure – tracked through NORAD	1410.4 km
FM-08	1524 km	1970 km
FM-14	N/A	1840 km
FM-22	1670	1744 km
FM-23	Catastrophic satellite bus failure – tracked through NORAD	1414.3 km
FM-35	N/A	2139 km
FM-40	Catastrophic satellite bus failure – tracked through NORAD	1416 km
FM-44	1565 km	1669 km
FM-50	N/A	1648 km
FM-54	N/A	1964 km
FM-55	N/A	1552 km
FM-61	N/A	1787 km
FM-62	1494 km	1690 km
	[CONFIDENTIAL MATERIAL DELETED]	

N/A = Not applicable; satellite at final altitude.