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REDACTED FOR PUBLIC INSPECTION – SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459

October 8, 2015

RECEIVED - FCC

OCT - 8 2015

Federal Communications Commission
Bureau / Office

Mindel De La Torre
Chief, International Bureau
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

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

Dear Ms. De La Torre:

On behalf of Globalstar Licensee LLC ("Globalstar"), we hereby submit its Annual Report concerning the status of its 1.6/2.4 GHz Mobile Satellite Service system as of September 30, 2015.

Pursuant to Exemption 4 of the Freedom of Information Act ("FOIA") and the rules of the Federal Communications Commission ("FCC" or "Commission"),[1] Globalstar hereby requests confidential treatment for the information that has been redacted in the attached Annual Report ("Globalstar Information"), which contains commercially sensitive information. The Globalstar Information relates to Globalstar's provision of Mobile Satellite Services ("MSS") and includes company-specific, highly confidential and/or proprietary commercial information, including operational and technical data that are protected from

[1] 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure "to any extent not authorized by law" of "information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association").

disclosure by FOIA Exemption 4[2] and the Commission's rules protecting information that is not routinely available for public inspection and that would customarily be guarded from competitors.[3]

1. *Identification of the specific information for which confidential treatment is sought.* Globalstar requests that all of the redacted information contained in the Globalstar Information be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission's rules, which protect confidential commercial and other information not routinely available for public inspection. The Globalstar Information concerns the operations of Globalstar's first-generation satellites and includes the number of satellites in its first generation constellation that provide duplex service, and others that have been decommissioned. This is company-specific, competitively-sensitive, business confidential and/or proprietary commercial information concerning Globalstar's satellite operations that would not routinely be made available to the public, and has been carefully guarded from competitors. If it were were disclosed, Globalstar's competitors could use it to determine information regarding Globalstar's competitive position, operations, and performance, and could use that information to gain a competitive advantage over Globalstar.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* Section 25.170 of the Commission's rules (47 C.F.R. § 25.170; formerly 47 C.F.R. 25.143(e)(1)) 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.* The Globalstar Information contains company-specific, competitively-sensitive, confidential and/or proprietary, commercial information.[4] This information can be used to determine information about Globalstar's MSS operations that is sensitive for competitive and other reasons. This information would

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2 5 U.S.C. § 552(b)(4).

3 47 C.F.R. §§ 0.457(d) and 0.459.

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

not customarily be made available to the public and customarily would be guarded from all others, especially competitors. Competitors could use the 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.* The confidential information at issue relates to the provision of MSS, which is subject to vigorous competition from other mobile communications providers. If the information is not protected, Globalstar's competitors will be able to use it to their competitive advantage.[5]

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* Since this type of information generally would not be subject to public inspection and would customarily be guarded from competitors, the Commission's rules recognize that release of the information is likely to produce competitive harm. Disclosure could cause substantial competitive harm because Globalstar's competitors could assess aspects of Globalstar's commercial operations and could use that information to undermine Globalstar's competitive position. If competitors or customers had access to this information, it could negatively affect Globalstar's future negotiations with potential and existing customers.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Globalstar Information is not available to the public, and has not otherwise been disclosed previously to the public, except to the extent necessary.[6] 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

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[5] 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 Constellation LLC*, Call Sign S2110, IBFS File No. SAT-MOD-20101001-00207, Section 25.143(e) Annual Report and Request for Confidential Treatment (Oct. 15, 2013).

[6] 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 and Application for Modification, File Nos. SAT-MOD-20080904-00165, SAT-AMD-20091221-00147, at 18-19 (filed Dec. 21, 2009).

this information is not released to the general public or obtained by its competitors through other means.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Globalstar requests that the Globalstar Information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* The confidential information contained in the Globalstar Information would, if publicly disclosed, enable Globalstar's competitors to gain an unfair competitive advantage. Under applicable Commission and federal court precedent, the information provided by Globalstar on a confidential basis should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The technical information in question clearly satisfies this test.

Additionally, where disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information.[7] Failure to accord confidential treatment to this information is likely to dissuade providers from voluntarily submitting such information in the future, thus depriving the FCC of information necessary to evaluate facts and market conditions relevant to applications and policy issues under its jurisdiction.

If a request for disclosure occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Globalstar to pursue appropriate remedies to preserve the confidentiality of the information.

Please accept this report as if timely filed, along with our sincere apologies for the inadvertent delay. Due to an oversight, Globalstar was preparing its annual report for filing on October 15 for the period ending September 30, as the Commission's rules previously

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[7] *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); *see also Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that "for whatever reason, 'would customarily not be released to the public by the person from whom it was obtained'") (citation omitted).

required for Big LEO MSS licensees. In light of this delayed submission, Globalstar's attached report contains information updated through September 30, 2015, rather than through May 31, 2015, in order to provide the International Bureau with the most current information possible. Globalstar respectfully submits that the underlying purposes of the rule and reporting requirement will not be undermined by the filing of this report. Globalstar will of course take the steps necessary to ensure that, in the future, its annual report is filed on or before June 30.

If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Sincerely,

Stephen J. Berman
Counsel for Globalstar Licensee LLC

Attachment

REDACTED FOR PUBLIC INSPECTION – SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459

REDACTED FOR PUBLIC INSPECTION

GLOBALSTAR LICENSEE LLC

Call Sign S2115

Annual Report as of September 30, 2015

Pursuant to 47 C.F.R. § 25.170:

(a) As of September 30, 2015, **[BEGIN CONFIDENTIAL]** [redacted] **[END CONFIDENTIAL]** satellites had been declared failed, as detailed in Attachment A. **[BEGIN CONFIDENTIAL]** [redacted] **[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]** [redacted] **[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, December 2011, and February 2013 launches of six satellites each of Globalstar's second generation constellation. All of those twenty-four satellites are now in service.

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. There were no reportable system-wide outages during the 12-month period ending September 30, 2015; however, there were periodic temporary and permanent outages of individual satellites, nearly all attributable to degraded S-band antenna subsystems.

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 interim or final graveyard orbit altitudes shown in Attachment A.

(b) Contact for resolution of interference problems/emergency response:

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General Counsel & Vice President
Regulatory Affairs
Globalstar, Inc.
300 Holiday Square Blvd.
Covington, LA 70433
Barbee.Ponder@globalstar.com
(985) 335-1503

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

(c) 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 Attachment A.

REDACTED FOR PUBLIC INSPECTION

ATTACHMENT A

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 km
FM-08	N/A	1524 km
FM-14	N/A	1840 km
FM-22	N/A	1671 km
FM-23	Catastrophic satellite bus failure. Tracked through NORAD.	1414 km
FM-35	N/A	2139 km
FM-40	Catastrophic satellite bus failure. Tracked through NORAD.	1416 km
FM-44	N/A	1726 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	N/A	1494 km
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	[END CONFIDENTIAL]	

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