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ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

July 12, 2012

Mr. Steven Berglund
President and Chief Executive Officer
Trimble Navigation
935 Stewart Drive
Sunnyvale, CA 94085

Dear Mr. Berglund:

The Energy and Commerce Committee has been closely following the work of the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) regarding the interference dispute between LightSquared Subsidiary LLC ("LightSquared") and the Global Positioning System (GPS) community.

In January 2003, the FCC adopted rules permitting licensed Mobile Satellite Service (MSS) providers to integrate an Ancillary Terrestrial Component (ATC) into their satellite networks to provide mobile service to areas where satellite signals would be degraded. In November 2003, Mobile Satellite Ventures (MSV), a predecessor to LightSquared, requested the authority to operate ATC base stations in conjunction with its existing L-band MSS satellite system. In 2004, the FCC authorized MSV's successor, SkyTerra Communications, to offer an integrated MSS/ATC service to users provided SkyTerra satisfied certain "gating criteria," such as employing a dual-mode hand-set that could receive both satellite and terrestrial signals.

Five years later, in April 2009, SkyTerra and Harbinger Capital Partners, a New York-based hedge fund run by investment manager Phil Falcone, filed applications at the FCC seeking to transfer SkyTerra's L-band spectrum licenses to Harbinger so that Harbinger (which later renamed the company LightSquared) could deploy a nationwide, wholesale wireless network relying in significant part on SkyTerra's ATC authority. SkyTerra also filed an application for modification of that authority, including for waivers of several MSS/ATC rules.

While SkyTerra and Harbinger's applications were pending, the GPS community raised concerns that existing out-of-band emission limits would be insufficient to protect against interference to GPS from the operation of LightSquared's network. On August 17, 2009, however, SkyTerra and the United States Global Positioning System Industry Council (USGIC) submitted a joint letter to the FCC stating that the out-of-band emissions interference issue had been resolved.

On March 26, 2010, after receiving extensive comments from interested stakeholders, the FCC International Bureau and Wireless Telecommunications Bureau granted the transfer of SkyTerra's licenses to LightSquared conditioned on, among other things, an aggressive build-out schedule and a restriction on providing service to the nation's two largest wireless providers. On November 18, 2010, LightSquared filed a request to waive the integrated-service rule that applied to its ATC authority. The following day, the International Bureau placed LightSquared's request on Public Notice with an abbreviated period for initial comment. On January 26, 2011, the International Bureau granted LightSquared's request, conditioned on testing by a Technical Working Group that showed that LightSquared's deployment of terrestrial service in the L-band would not cause widespread, harmful interference to GPS devices. The Technical Working Group conducted the required testing throughout the spring and summer of 2011 and submitted its Final Report in June 2011.

In September 2011, NTIA charged the interagency National Executive Committee for Space-Based Positioning, Navigation, and Timing ("PNT ExCom") with validating the testing done by the Technical Working Group. On February 15, 2012, one day after receiving NTIA's review of PNT ExCom's testing, the International Bureau issued a Public Notice tentatively concluding that the FCC should suspend the authorization of LightSquared to operate a terrestrial service in the L-band.

As part of this Committee's investigation into the LightSquared/GPS interference dispute, Chairman Walden of the Subcommittee on Communications and Technology sent a February 3, 2012, letter to you requesting that Trimble Navigation submit to this Committee all dispute-related communications, records, and other documents that the company had previously provided to Senator Charles Grassley's staff. The Committee appreciates Trimble's compliance with this request.

As the Committee with jurisdiction over federal communications policy and pursuant to Rules X and XI of the United States House of Representatives, we respectfully request that you submit to the Committee the following additional documents related to Trimble Navigation's involvement in this matter.

D1. All written and electronic communications from April 2009 to the present between (1) any employee, agent or representative of Trimble Navigation and (2) any member or employee of the FCC related to LightSquared's planned deployment of terrestrial operations in the L-band.

D2. All written and electronic communications from January 2003 to the present between (1) any employee, agent or representative of Trimble Navigation and (2) any member or employee of the FCC related to potential interference to GPS receivers resulting from the FCC's 2003 Order permitting MSS providers to integrate an ATC into their L-band satellite networks and subsequent Orders expanding the scope of the ATC.

D3. All written and electronic communications from April 2009 to the present between (1) any employee, agent or representative of Trimble Navigation and (2) any employee or agent of the White House, NTIA, or any other executive agency or advisory committee related to LightSquared's planned deployment of terrestrial operations in the L-band.

D4. All written and electronic communications from January 2003 to the present between (1) any employee, agent or representative of Trimble Navigation and (2) any employee or agent of the White House, NTIA, or any other executive agency or advisory committee related to potential interference to GPS receivers resulting from the FCC's 2003 Order permitting MSS providers to integrate an ATC into their L-band satellite networks and subsequent Orders expanding the scope of the ATC.

We also respectfully ask that you provide written answers to the following questions by July 19, 2012.

Q1. Please state the actual or approximate date on which Trimble Navigation, individually through its agents, employees or representatives, or collectively through its membership in the USGIC or the Coalition to Save Our GPS, first identified the potential for overload interference to GPS receivers as a result of LightSquared's or its predecessors' planned deployment of terrestrial operations in the L-band.

Q2. Please state the actual or approximate date on which Trimble Navigation, individually through its agents, employees or representatives, or collectively through its membership in the USGIC or the Coalition to Save Our GPS, first raised with the FCC, NTIA or other executive agency or advisory committee the potential for overload interference to GPS receivers as a result of LightSquared's or its predecessors' planned deployment of terrestrial operations in the L-band.

Please contact Committee staff to arrange delivery of the materials. An attachment to this letter provides additional information on how to respond to the Committee's request. If you have any questions, please do not hesitate to contact Committee staff David Redl or Daniel Tyrrell at (202) 225-2927.

Sincerely,

Fred Upton
Chairman

Cliff Stearns
Chairman
Subcommittee on Oversight and Investigations

Greg Walden
Chairman
Subcommittee on Communications
and Technology

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Anna Eshoo, Ranking Member

Attachment