



Federal Communications Commission
Washington, D.C. 20554

May 14, 2020

Geoffrey Starks
Commissioner

The Honorable Adam Smith, Chairman
The Honorable William Thornberry, Ranking Member
U.S. House of Representatives
Committee on Armed Services
Washington, DC 20515-6035

Re: Ligado proceedings DA/FCC-20, IB Docket No. 11-109 and IB Docket No. 12-340

Dear Chairman Smith and Ranking Member Thornberry,

I write in response to your letter dated May 7, 2020 regarding the decision by the Federal Communications Commission (Commission) to authorize Ligado Networks LLC's deployment of a low-power terrestrial nationwide network in certain mid-band spectrum. Please find my responses to the questions posed in your letter below.

Please provide copies of the legal analysis that led the commissioners to their determination despite the unanimous concerns of the national security community, and whether that decision is consistent with the FY17 NDAA requirement to resolve concerns of widespread interference with GPS devices prior to permitting the commercial use of this spectrum.

Response:

The legal analysis relied upon in support of my vote to concur with granting Ligado's license modification applications can be found in the text of the Commission's *Order and Authorization* at section III.G., which analyzes the Commission's compliance with requirements in section 1698 of the National Defense Authorization Act for Fiscal Year 2017 (codified as section 343 of the Communications Act). As described therein, the Commission's legal analysis is informed by its technical analyses as detailed in other sections of the *Order and Authorization*, including paragraphs 25 through 34 (agreements with GPS manufacturers); paragraphs 35 through 59 (assessments of potential interference with non-certified GPS devices); and paragraphs 60 through 119 (assessment of potential adjacent band GPS interference, including with MSS operations).

I believe the *Order and Authorization* is consistent with the requirement that the Commission resolve concerns of widespread harmful interference before allowing terrestrial operations in the affected spectrum bands. The *Order and Authorization* explains the Commission's detailed review of the record evidence regarding potential harmful interference by Ligado's proposed terrestrial operations, and assesses and resolves sometimes conflicting analyses and differing opinions from key stakeholders.

Did each commissioner receive a briefing from the Department of Defense on the classified test data contained in the classified report of DoD testing to accompany the Department of Transportation Adjacent Band Compatibility Assessment from April of 2018?

Response:

I did not receive a briefing from the Department of Defense (DoD) on classified test data after I came to the Commission in January of 2019. Nevertheless, as part of my review of this item, I engaged with and ultimately supported the expert technical analysis of Commission staff engineers, who met numerous times with the DoD and assessed the highly technical reports, data and positions provided by the DoD and others over several years leading up to this order.

For Commissioners Rosenworcel and Starks, you issued a joint statement of concurrence, indicating a less than full endorsement of the approval and said the decision was a close call. Do you believe the concerns of the national security community were adequately addressed? Additionally, you expressed concern about the spectrum decision making process. Were there any specific aspects of this decision that concerned you?

Response:

I carefully considered and weighed the concerns raised in the record by the national security community, along with the data, analyses, and positions of all interested parties. To that end, this was a close call. By adopting safeguards and conditions to minimize effects on critical national security, GPS, and other systems, and mandating that harmful interference be addressed by Ligado as it may occur, I ultimately believe the Commission has fulfilled its responsibility to adequately address concerns about potential harmful interference. For reasons that are unclear to me, the inter-agency process to coordinate federal spectrum management did not run smoothly in this matter. In the future, I believe that better coordination will be essential to our continued leadership.

Thank you for the opportunity to address your questions.

Respectfully,

Geoffrey Starks

Commissioner Geoffrey Starks

cc: The Honorable Jim Cooper
The Honorable Michael R. Turner
The Honorable Jim Langevin
The Honorable Elise Stefanik
The Honorable John Garamendi
The Honorable Doug Lamborn
The Honorable Donald Norcross
The Honorable Rob Bishop
The Honorable Rick Larsen
The Honorable Mike Rogers
The Honorable Seth Moulton
The Honorable Mike Conaway
The Honorable Gil Cisneros
The Honorable Don Bacon
The Honorable Veronica Escobar
The Honorable Liz Cheney
The Honorable Lori Trahan

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The Honorable Paul Mitchell

The Honorable Elaine Luria

The Honorable Chrissy Houlahan

The Honorable Anthony Brindisi