

PATRICK J. LEAHY, VERMONT, CHAIRMAN

HERB KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT

CHARLES E. GRASSLEY, IOWA
ORRIN G. HATCH, UTAH
JON KYL, ARIZONA
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TOM COBURN, OKLAHOMA

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*
KOLAN L. DAVIS, *Republican Chief Counsel and Staff Director*

January 11, 2012

Mr. Min Kao
Chairman and Chief Executive Officer
Garmin
1200 East 151st Street
Olathe, Kansas 66062

Dear Mr. Kao:

On October 5, 2011, I wrote a letter to Philip Falcone of Harbinger Capital Partners and Sanjiv Ahuja, CEO of LightSquared, requesting documents regarding their interactions with the federal government related to LightSquared's attempt to create a terrestrial wireless network. Mr. Falcone and Mr. Ahuja responded through their lobbyist, Mark Paoletta on October 19, 2011, declining to provide documents because they claimed that I had not made a similar document request of the GPS community. The next day, my office issued the following statement: "...if it means LightSquared and Harbinger are going to respond fully to Senator Grassley's request for documents, then document requests from Senator Grassley to Garmin, Trimble and John Deere will be sent today."

However, representatives from LightSquared and Harbinger then refused to provide documents, even if I made similar requests to the GPS community. After six weeks of further negotiations, Harbinger and LightSquared finally committed, on December 1, 2011, to comply with my October 5, 2011, request if I made a similar request of the GPS community. About two weeks after that, on December 12, they finally began providing some of the requested documents.

My focus on this investigation has not changed, and I am aware of no allegations concerning the communications of the GPS community with the FCC about the LightSquared waiver. I am simply making this request consistent with the statement my office made in October 2011.

Ultimately, the FCC needs to be open and transparent regarding their dealings with LightSquared and Harbinger Capital. There are still numerous questions about the FCC's decision to grant a waiver without transparency in a holiday-shortened time period, and the FCC's awareness of the mounting SEC charges pending against Mr. Falcone and other Harbinger Capital employees, among other issues.

Therefore, in keeping with my October 20, 2011, statement and to complete the record and allow us to advance our investigation of the FCC, please provide all records relating to communications:

1. Between Garmin and the FCC, White House, or Department of Commerce regarding LightSquared's waiver.
2. Between firms or individuals retained by Garmin to represent Garmin as lobbyists or provide assistance representing Garmin before federal regulatory agencies (including but not limited to the FCC, the Department of Commerce, and the White House Office of Science and Technology Policy) and the FCC, White House, or Department of Commerce regarding LightSquared's waiver.

According to your counsel, I understand that you intend to comply with this request. I appreciate your commitment to cooperate fully and would appreciate a response by January 25, 2012. If you have any questions, please do not hesitate to contact Chris Lucas for the Committee on the Judiciary at (202) 224-5225.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary