

[REDACTED]

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**From:** Falcone, Philip <[REDACTED]>  
**Sent:** Thursday, October 06, 2011 9:30 AM  
**To:** [REDACTED] (Judiciary-Rep)  
**Subject:** FW:  
**Attachments:** trimble04.pdf; 2004-03-24 USGPSIC Letter to FCC Urging Approval of MSV\_s Application[4] copy.pdf; 2003 Order.pdf; 2005 recon order.pdf

Chris,

I wanted to re-send to make sure you received the information. The last thing I want to do is to make this more political than it already is. It doesn't belong in that arena. However, since we are already there, I believe I can make this into a win for the Senator, Lightsquared and the consumer. Furthermore, I'm not looking to put John Deere out of business. We have a solution for that, an enhanced solution. Most importantly, our entity can provide immediate coverage across Iowa through our high powered satellite. Moreover, many are underestimating the value of our satellite's ability to provide uninterrupted service during tornadoes, floods etc. Iowa is not immune to these issues. Bringing this service to the rural communities as well as major cities is priceless. Talk to the people in Joplin, Missouri about that. We are going to get this done one way or another and I would really like you guys to be involved because it has tremendous benefits for all.

I would really like the opportunity to discuss this with you and the Senator.

Best,

PAF

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**From:** Falcone, Philip  
**Sent:** Wednesday, October 05, 2011 4:40 PM  
**To:** [REDACTED]@judiciary-rep.senate.gov  
**Subject:**

Dear Chris:

I am very pleased to hear from you and I would be glad to meet with Mr. Grassely at his convenience to discuss the issues that he raises. In the meantime, I am happy to forward the critical orders that were issued in 2003 and 2005 by the FCC that allowed the predecessor company to move forward and build a nationwide terrestrial/satellite network that is the discussion today. I am also providing you the financial report to Trimble Navigation along with a letter from the United States GPS council urging the commission to grant the terrestrial/satellite application to the predecessor that we are now attempting to build. Finally, I am taking the liberty of providing a clause from Trimble's 10k in 2004 referencing the "non-gps radio frequency bands" that they are using that has been Lightsquared's property.

"Many of our products use other radio frequency bands, together with the GPS signal, to provide enhanced GPS capabilities, such as real-time kinematic precision. The continuing availability of these non-GPS radio frequencies is essential to provide enhanced GPS products to our precision survey and construction machine controls markets. Any regulatory changes in spectrum allocation or in allowable operating conditions may materially and adversely affect the utility and reliability of our products, which would, in turn, cause a material adverse effect on our operating results. In addition, unwanted emissions from mobile satellite services and other equipment operating in adjacent frequency bands or in-band from licensed and unlicensed devices may materially and adversely affect the utility and reliability of our products, which could result in a material adverse effect on our operating results. The FCC continually receives proposals for novel technologies and services, such as ultra-wideband technologies, which may seek to operate in, or across, the radio frequency bands currently used by the GPSSPS and

other public safety services. Adverse decisions by the FCC that result in harmful interference to the delivery of the GPS SPS and other radio frequency spectrum also used in our products may materially and adversely affect the utility and reliability of our products, which could result in a material adverse effect on our business and financial condition."

The point being that the 2003 and 2005 orders granted by the FCC gave the company the right to build a nationwide network. The GPS community had more than enough time to address the potential issues they disclosed in their financial statements but chose to ignore them and now want others to "pay for their sins", including the consumer for the retrofitting that needs to be done for the existing devices.

All we are doing is trying to build a network which we believe will give consumers a choice, lower their prices, create jobs and expand network capacity to rural areas. Furthermore, what no one discusses is the world's largest satellite that we have hovering at 24,000 feet that can bring immediate communication to the nation, including rural areas. This satellite, more importantly, could be a valuable asset in disasters situations and possibly be a bridge to a First Responder Network that this country so badly needs. One thing I never expected, however, is to see this develop as a political issue. Needless to say, I am quite alarmed at the direction that it has taken.

In any event, I look forward to the opportunity to meet with Mr. Grassley to put these or any other concerns to rest.

If you have any questions, please call me at your convenience at [REDACTED]

Best,

Philip A. Falcone

[REDACTED]

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**From:** [REDACTED] (Judiciary-Rep)  
**Sent:** Wednesday, October 05, 2011 3:22 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED] (Judiciary-Rep)  
**Subject:** Letter from Senator Grassley  
**Attachments:** 2011 - 10 - 05 CEG to Harbinger (document request).pdf; 2011 - 10 - 05 CEG to LightSquared (document request).pdf

Mr. Falcone,

Please find attached a letter from Senator Grassley. Please confirm receipt and send the response to this letter in PDF format to [REDACTED]. If you have any questions, please let me know. (I have also attached a letter to LightSquared which you have been cc'd on)

Thanks,

Chris