



Douglas Bell
Chair, Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

May 10, 2013

**Re: Transatlantic Trade and Investment Partnership
Comments of Iridium Communications Inc., Docket USTR-2013-0019**

Dear Mr. Bell:

Iridium Satellite LLC (“Iridium”) is pleased to provide its views on a Transatlantic Trade and Investment Partnership, as requested in the Federal Register Notice of March 20, 2013. Iridium, headquartered in the United States close to the Nation’s Capital, is the only satellite communications company that offers truly global voice and data communications coverage. Iridium sells its products, solutions and services through a network of service providers and value-added dealers, so decreased barriers to trade throughout the supply chain will have a positive effect in the United States and in the European Union.

The United States and the European Union are leaders in the global trade community, and are parties to a number of multilateral and bilateral trade agreements with each other. With a few exceptions noted below, Iridium has not experienced barriers to trade in the European Union. Trade officials on both sides of the Atlantic have expressed the view that the TTIP can provide an example to the rest of the global community. Given the existing World Trade Organization (WTO) General Agreement on Trade in Services (GATS) commitments of the European Union in market access and national treatment to information, communications and telecommunications (ICT), and access to and use of telecommunication networks for other services, Iridium urges that the TTIP be “GATS-Plus” – that parties not be allowed to “clarify” their existing WTO commitments to introduce new exceptions or restrictions. Since both the EU and the U.S. have entered into bilateral free trade agreements with South Korea that include commitments on e-commerce ensuring cross-border information flows and access to and use of digital networks, the TTIP should include provisions akin to those FTA commitments on ICT.



Transparent Regulation

Both the U.S. and the EU have committed to transparent telecommunications regulation through their GATS commitments and bilateral ICT Trade Principles. The ICT Principles require transparency in rulings of general application and that spectrum be allocated in a transparent manner. But for services dependent on spectrum, like satellite, to be consistent with the goal of open, competitive markets, the assignment of spectrum must likewise be transparent, and that transparency must include detailed, technical operating parameters.

Satellite services can be interfered with by other systems or devices operating terrestrially in the same or adjacent frequency bands. Operating parameters of terrestrial uses such as power limits, out-of-band emissions, antenna gain and average height over terrain must be known to assess the feasibility of market entry. The GATS Reference Paper on Basic Telecom requires parties to make publicly available the current state of allocated frequency bands. But additional technical information on the operating environment is needed. To the maximum extent practical, telecommunications regulatory documents and communications should be public and transparent. Proposed rules should include an impact assessment, and for wireless services, technical parameters detailed enough to make system planning decisions.

The EU-US ICT Trade Principles and the GATS Reference Paper provide that governments should not give preferential treatment to national suppliers in the use of national spectrum or orbital resources. This non-discriminatory licensing principle should be included in the TTIP. Moreover, the denial of any licensing or certification decision should have an effective, transparent appeals process.

In general, European governments have followed these principles of transparent, public criteria for licensing. However, Iridium has recently observed that some countries are requiring additional maritime licenses, and exercising regulatory authority beyond the jurisdictional bounds recognized by international conventions.

Localization

TTIP should prohibit forced localization requirements that do not advance narrowly tailored national security or public safety concerns. Some countries require satellite licensees to build gateway switches in country as a condition of entry. These fixed gateway switches are not technically required for the delivery in-country of mobile services like Iridium's.

Forced localization of gateways as a condition for market entry can undermine U.S. satellite providers' competitiveness, particularly compared to State-Owned Enterprises (SOEs). The installation and maintenance of switching equipment in a foreign market can be very expensive and prohibitively increase the cost of providing satellite services, making the price of competitive satellite services unaffordable.

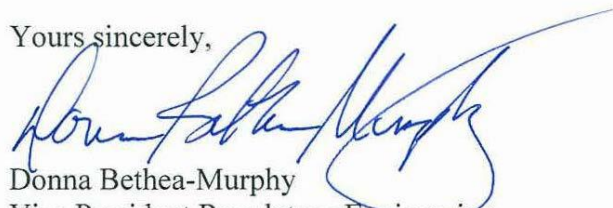


To be a global standard, the TTIP should provide a means to challenge any localization requirements as being unduly restrictive or a disguised restriction on trade. Iridium supports the inclusion in the TTIP of provisions comparable to the 2011 European Union-United States Trade Principles for Information and Communication Technology (ICT) Services that provides that governments should not require ICT service suppliers to use local infrastructure, or establish a local presence as a condition of supplying services.

Equipment Homologation

Iridium urges that both satellite services and equipment be an important part of the TTIP agreement. The notice seeking public comment sought input on opportunities “for greater transatlantic regulatory compatibility” and “to reduce unnecessary costs and administrative delays stemming from regulatory differences”.¹ Mutual recognition of satellite equipment authorization from TTIP parties is a candidate for greater regulatory compatibility. In 1998, the U.S. and European Community’s Mutual Recognition Agreement on equipment conformity assessment entered into force. Specifically, the MRA’s telecom provisions applied terminal equipment, satellite terminal equipment, radio transmitters or information technology equipment. In the intervening years, European conformity assessment bodies have generally recognized U.S. authorization for satellite equipment, without requiring additional, in-country testing or additional authorization as a condition for use of Iridium terminals, as some countries outside of Europe have done. However, recently some countries in Europe have required separate and additional equipment certification for maritime equipment, refusing to accept the generic existing CE or FCC mark for the equipment. Moreover, because the TTIP has the potential to be the global standard for trade commitments, it is important to include mutual recognition of equipment authorization.

Yours sincerely,



Donna Bethea-Murphy
Vice President Regulatory Engineering

¹ <https://www.federalregister.gov/articles/2013/04/01/2013-07430/request-for-comments-concerning-proposed-transatlantic-trade-and-investment-agreement>.

