



November 13, 2014

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Notice
Sprint Applications for 800 MHz Waivers in San Antonio, New Mexico and Texas – El Paso NPSPAC Regions, WT Docket 14-133

Dear Ms. Dortch:

On November 6, 2014, Lawrence Krevor, Vice President – Spectrum, Richard Engelman, Director – Spectrum, and James Goldstein, Senior Counsel for Sprint Corporation, held a teleconference to discuss the status of the above-captioned proceeding. Attending for the Wireless Telecommunications Bureau (“Bureau”) were Roger Noel, Chief of the Mobility Division and Amanda Huetinck, an Attorney Advisor in the Division.

Sprint noted that its three requests for waiver have been pending since August 2014, that they are unopposed in the Bureau’s established docket¹ and that they are consistent with prior waivers granted to Sprint over the past year.² Sprint reminded the Bureau staff that there is effectively no risk of interference from Sprint’s prospective wideband operations in the 30 counties in NPSPAC Region 53 (San Antonio) in which it requests waiver to deploy 800 MHz LTE service in advance of completing 800 MHz band reconfiguration along the U.S. – Mexico Border. Sprint noted that none of its base station sites would be within 110 miles of any public safety base station site and that most Sprint sites would be more than 140 miles from public safety’s sites, well in excess of the Commission’s § 90.621(b) 70-mile co-channel separation requirement. Sprint further explained that its prospective wideband operations pose no risk of the intermittent CMRS–public safety interference which the Commission adopted its 800 MHz

¹ See Wireless Telecommunications Bureau Seeks Comment on Sprint Waiver Request to Permit Wideband Operations in Portions of New Mexico and Texas NPSPAC Regions, *Public Notice*, DA 14-1238, WT Docket 14-33 (August 26, 2014). Sprint stated that the public safety licensees in the affected areas of New Mexico (Region 29) and El Paso, Texas (Region 50) provided Sprint with letters of support, and that Sprint has made itself available for further discussion to the 13 public safety licensees in NPSPAC Region 53 (San Antonio). Attachment A lists the un-retuned public safety jurisdictions in each of the relevant NPSPAC Regions.

² See Letter from Roger S. Noel, Chief, Mobility Division to James B. Goldstein, Sprint Corporation, dated November 25, 2013 (DA 12-2262) for Sprint Waiver for portions of Florida; See Letter from Roger S. Noel, Chief, Mobility Division to James B. Goldstein, Sprint Corporation, WT Docket 14-29, dated June 23, 2014 (DA 14-866) for Sprint Waiver for portions of Northern California and Nevada.

Reconfiguration Plan to prevent. CMRS–public safety interference typically may occur when low-site, low-power commercial systems operate in the same or interleaved spectrum *and* in the same geography as high-site, high-power public safety communications systems. That set of circumstances cannot occur under the proposed waivers because Sprint’s base station sites and service area will not overlap with or be anywhere near the subject un-reconfigured public safety systems or users; thus the circumstances that underlie CMRS–public safety interference will not exist.³

Sprint reminded Bureau staff that 800 MHz Reconfiguration in the U.S. – Mexico Border Region is delayed pending Mexican-side implementation of the revised bilateral agreement which adopted significant 800 MHz spectrum changes in the border area.⁴ The large geographic size of Region 53 enables Sprint to expand its LTE service in the San Antonio area -- thereby providing the public the benefits of expanded competitive LTE service in the San Antonio area -- without risk of interference to un-retuned public safety systems in the distant Border Region. The same is true for NPSPAC Region 29 (New Mexico) and NPSPAC Region 50 (Texas – El Paso). Accordingly, Sprint stated that the requested waivers are in the public interest.

Sprint also noted that in the unlikely event of harmful interference to public safety communications caused by Sprint’s proposed operations, Sprint will work with any jurisdiction to immediately implement mitigation measures. If any of the public safety communications operators believes that its 800 MHz public safety radio system is experiencing interference at any time, there is a well-developed process in place to address interference via the industry-developed and maintained interference notification website at <http://www.publicsafety800mhzinterference.com>. This website immediately notifies Sprint as well as the other cellular carriers operating in a given area to commence interference investigation and mitigation procedures in accordance with the FCC’s mandated 24 hour interference response timelines and the requirements specified in Section 90.674 and 22.974 of the FCC’s rules.

For all of these reasons, Sprint stressed the need for prompt Bureau action on Sprint’s pending requests.

³ Even if a public safety mobile user were to seek to communicate with its base station system at the far edge (or beyond) its typical service area, there would still be significant distance between the public safety service area and Sprint’s proposed operations in distant counties and would pose no risk of CMRS–public safety interference.

⁴ See Improving Public Safety Communications in the 800 MHz Band, New 800 MHz Band Plan for U.S. – Mexico Sharing Zone, *Fifth Report and Order*, WT Docket No. 02-55, 28 FCC Rcd 4085 (PSHSB 2013); Public Safety and Homeland Security Bureau Announces That the 30-Month Transition Period for 800 MHz Band Reconfiguration in Regions Along the U.S. – Mexico Border Will Commence on August 23, 2013, Public Notice, WT Docket 02-55, DA 13-1770 (PSHSB August 16, 2013).

Pursuant to the Commission's Rules, Sprint hereby files this *ex parte* letter in the docket of the above-referenced proceeding.

Sincerely,

/s/ James B. Goldstein

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Attachment A: Remaining Public Safety NPSPAC Licensees per NPSPAC Region

Region 29 (New Mexico)

The City of Las Cruces

Region 50 (Texas – El Paso)

The City of El Paso
The Ysleta Del Sur Pueblo

Region 53 (San Antonio)

The City of Brownsville
Cameron County
Edinburg Police Department
The City of Edinburg
The City of Harlingen
The City of Hidalgo
Hidalgo County
The Lower Rio Grande Valley Development Council
The City of Mission
The City of Pharr
The City of Rio Grande
The San Benito Police Department
Willacy County