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December 10, 2014

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

Re: Notice of Oral Ex Parte Presentations in GN Docket No. 12-354

On December 9, 2014, representatives from the WiMax Forum, American Petroleum Institute, the Utilities Telecom Council, CenterPoint Energy Houston Electric, LLC and Exelon Corporation met separately with Louis Peraertz, legal advisor to Commissioner Clyburn, and Erin McGrath, legal advisor to Commissioner O’Rielly. A complete list of individuals who participated in each of these presentations is provided below:

Declan Byrne, President, WiMax Forum
Paul Sinderbrand, counsel to WiMax Forum
Brett Kilbourne, Deputy General Counsel, Utilities Telecom Council
Gregory Kunkle, counsel to American Petroleum Institute
Brett Heather Freedson, counsel to CenterPoint Energy Houston Electric, LLC
Mark Rosenstock, IT Analyst III, Exelon Corporation

The industry participants urged the Commission to refrain from merging the 3650-3700 MHz band with the 3550-3650 MHz band, subject to the Part 96 framework proposed in the above-referenced rulemaking proceeding.¹ As the industry participants each detailed, substantial investment has been made in smart grid and advanced metering infrastructure, Supervisory Control and Data Acquisition (“SCADA”), and other high capacity fixed wireless applications using the 3650-3700 MHz band. Over the past five years, deployments in this band brought about more efficient and reliable electric power and natural gas delivery systems, and supported greater effectiveness of energy exploration, production, and transportation nationwide. The Part 96 framework, as proposed, threatens to create new, potentially insurmountable obstacles for incumbent users of the 3650-3700 MHz band, strand investment, and frustrate future planned deployments. The Commission therefore should maintain the 3650-3700 MHz band under the existing Part 90 framework, as this approach has proven to be successful to date. However, if the Part 96 proposal is adopted, the Commission must take steps to ensure that incumbent users of the 3650-3700 MHz band are protected throughout an extended

¹ *In the Matter of Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354, Further Notice of Proposed Rulemaking, FCC 14-49 (Apr. 23, 2014)

transition period to the new regulations, as needed to avoid stranded investment, and to ensure that equipment is available when the new rules take effect.

Pursuant to 47 C.F.R. § 1.1206, this letter is being filed through ECFS. Copies of all presentation materials are appended hereto.

Respectfully submitted,



Brett Heather Freedson

cc (via email): Erin McGrath
Louis Peraertz