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January 27, 2000

BY HAND

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - Suite TW-A325
Washington, D.C. 20554

RECEIVED

JAN 27 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WT Docket No. 99-168
Ex Parte Presentation
Service Rules for the 746-764 and 776-794 MHz Bands,
And Revisions to Part 27 of the Commission's Rules

Dear Ms. Salas:

On January 24, 2000, Arvin Shahani of FreeSpace Communications (FreeSpace) and the undersigned met with Adam Krinsky of Commissioner Tristani's office. The undersigned also spoke by telephone with Peter Tenhula of Commissioner Powell's office on this same date. In the presentation to Adam Krinsky, FreeSpace discussed its guard band proposal in this proceeding. This proposal is described the attached slide presentation and also in detail in the comments FreeSpace filed in this proceeding on January 18, 2000. FreeSpace emphasized during the meeting that it would be arbitrary for the Commission to prohibit guard band licensees from using cellular-like architectures. FreeSpace also urged that the Commission adopt rules that permit guard band licensees to aggregate all 6 MHz of guard band spectrum. In a telephone call with Peter Tenhula, FreeSpace confirmed that any rules for the guard band should protect subsequent public safety licensees.

Pursuant to section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), an original and one copy of this letter are being provided to you for inclusion in the public record of the above-referenced proceeding. This letter is being filed today because of the closing of the Secretary's office due to inclement weather on January 25 and 26, 2000.

Sincerely,



Ruth Milkman

cc: Adam Krinsky
Peter Tenhula

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FREESPACE COMMUNICATIONS

Ex Parte Presentation

January 20, 2000

Service Rules for 746-764/776-794 MHz Bands

WT Docket No. 99-168

Service-Neutral Technical Rules for the Guard Bands Will Promote Substantial Public Benefits

- Offer third option for high speed internet access to residential consumers.
- Promote broadband deployment in underserved areas, including rural areas and tribal lands.
- Promote entry by small businesses and entrepreneurs using cutting-edge technology.
- Promote open auction, and maximize efficient use of the spectrum.

FreeSpace's Proposed Rules Would Provide Effective Protection for Public Safety and Are Superior to Other Proposals

- Proposal incorporates comprehensive package of stringent power and emissions limits as well as frequency coordination procedures that provide effective protection for public safety.
- Significantly superior to private radio guard band proposal.
- Also provides 10X greater protection to public safety than CMRS units operating in 30 MHz bands segments under rules adopted in *First R&O*.

Service-Neutral Rules Can Be Implemented and Enforced Effectively

- FreeSpace's proposal sets forth clear, generally applicable rules that would require all commercial licensees in the guard bands to prevent interference to public safety.
- The proposed rules would require the guard band licensees to shut down base stations that cause interference to public safety.
- FreeSpace does not object to 2 sets of service-neutral rules, one for low-power systems and one for high-power, limited deployment systems.

The FCC Should Not Prohibit Guard Band Licensees from Using Cellular Architectures

- CMRS units operating in 30MHz band segments will be deployed in intensive, cellular architectures.
- *First R&O* found that these CMRS units, operating under OOB limits and power limits, “will adequately protect public safety.”
- Guard band licensees, operating under the much more stringent power and OOB limits proposed by FreeSpace, will provide equal or superior protection.
- For example, a FreeSpace or similar cellular system operating in the 30 MHz segments (vs. the guard bands) has a *greater* probability of causing interference to public safety units because of the more relaxed OOB limit that would apply.

Other Issues

- FCC Should Permit Guard Band Licensees to Aggregate all 6 MHz of Guard Band Spectrum.
 - Promotes broadband uses and viable commercial operations in the guard bands.
- FCC Should Not Impose Eligibility or Use Restrictions in the Guard Bands.