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October 3, 2001

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: *Establishment of Rules and Policies for the Satellite Digital Audio Radio  
Service in the 2310-2360 MHz Band -- IB Docket No. 95-91*

Dear Ms. Salas:

On October 2, 2001, William M. Wiltshire representing AT&T Wireless Services, Inc., Karen Possner representing BellSouth Corporation and BellSouth Wireless Cable, Inc. ("BellSouth"), Michael Hamra representing Metricom, Inc., Mary N. O'Connor and Steven Daugherty of WorldCom, Inc. and the undersigned, representing the Wireless Communications Association, Inc. met with Rockie Patterson and Ron Repasi of the International Bureau and John J. O'Connor and Thomas Stanley of the Wireless Telecommunications Bureau to discuss the issues pending in the above-referenced rulemaking proceeding regarding interference to the Wireless Communications Service ("WCS") from terrestrial Digital Audio Radio Service ("DARS") repeaters. Ron Netro of the Wireless Telecommunications Bureau and Neale Hightower and Doug Duet of BellSouth participated in the meeting via telephone.

During the meeting, the staff requested the views of the WCS licensees regarding an "expanded donut" concept pursuant to which terrestrial DARS repeaters would be required to cure interference to WCS facilities within a given area surrounding the terrestrial DARS repeater, with a smaller safe harbor area being drawn directly surrounding the terrestrial DARS repeater. The WCS licensees emphasized that such an approach is seriously flawed because it would ultimately permit operations of terrestrial DARS repeaters above a 2,000 watt EIRP limit – a level that will render WCS operations economically and technically infeasible. The WCS licensees reiterated that it is the ultimate power level at which terrestrial DARS repeaters are permitted to operate that is the primary focus of their concern. The WCS licensees also stressed that the area within the proposed safe harbor proposed by the DARS licensees is too large. They also noted that over time the safe harbor "hole" in the center of the protected area "donut" should never expand, but that *if* a cost-effective means for mitigating interference can be identified (and none has to date), the outer boundary of the protected area could contract over time as that means were introduced. However, it was emphasized that any "expanded donut" approach (or any other

No. of Copies rec'd 012  
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Magalie Roman Salas

October 3, 2001

Page 2

regulatory approach) would have to provide protection not only for base stations, but also for customer premises equipment.

As an alternative to the "expanded donut" concept, the WCS licensees reiterated their willingness to allow the existing DARS repeaters that operate at power levels in excess of 2,000 watts EIRP to continue to do so until the earlier of the time a WCS licensee in the market gives notice that it is preparing to launch operations in the market or a date certain several years hence. Of course, the rules should provide flexibility so that, if a DARS licensee desires to operate above 2,000 watts beyond the sunset date and can reach a coordination agreement with the potentially affected WCS licensees, the DARS licensee would be permitted to operate above 2,000 watts beyond the sunset date. Although terrestrial DARS repeaters in markets where WCS systems are already operating might have to be limited to 2,000 watts EIRP on an accelerated schedule, this approach would allow the DARS licensees to use most of the high-power repeaters they constructed at their own risk for an extended period of time and provide them with ample opportunity to reduce the power of those high-power repeaters as necessitated by the deployment of WCS systems, while at the same time ensuring that WCS licensees will be able to roll out their services without fear of harmful interference going forward.

In response to inquiries from the staff, the WCS licensees stressed that their proposed 2,000 watt EIRP limit for terrestrial DARS repeaters would not fully protect WCS, and that a substantially more stringent limit would be required to prevent interference entirely. It was emphasized that the proposed 2,000 watt EIRP limit has been advanced as a compromise that, while not perfect from the WCS or the DARS perspective, both sides can accommodate. It was also noted that until the DARS licensees provide details regarding their deployment of repeaters operating at or below 2,000 watts EIRP in the context of this proceeding, their claim that they cannot economically operate without higher-power repeaters cannot be tested.

Respectfully submitted,



Paul J. Sinderbrand

cc: Ron Repasi  
Rockie Patterson  
Ron Netro  
Tom Stanley  
John J. O'Connor  
Bruce Jacobs  
Carl Frank