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December 23, 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 1<sup>st</sup> Street, SW  
Washington, DC 20554

Re: *Flexibility for Deployment of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band - IB Docket No. 01-185*

*Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems -- ET Docket No. 00-258 -- NOTICE OF EX PARTE PRESENTATION*

Dear Ms. Dortch:

On December 20, 2002, Karen Possner on behalf of BellSouth Corporation, Jay C. Keithley, Sheldon Fisher and Harry Perlow on behalf of Sprint Corporation, Peter D. Shields on behalf of Nucentrix, and the undersigned on behalf of the Wireless Communications Association International, Inc. ("WCA") met with Samuel Feder, Legal Advisor to Commissioner Martin, to discuss proposals being considered for relocating the Multipoint Distribution Service ("MDS") from the 2150-2162 MHz band.

The MDS interests expressed grave concern that certain of the proposals under consideration by the Commission would deprive numerous MDS Channel 2 licensees of two megahertz of spectrum – spectrum that in most cases was purchased either at a Commission auction or through secondary market transactions. It was explained that such a reduction in the spectrum allocated to MDS would not only be fundamentally unfair to MDS Channel 2 licensees, but would be unlawful.

The MDS interests also discussed in detail the technical reasons why a guardband on the order of 14-15 MHz is required between frequencies used for base-to-mobile ("downstream") and those used for mobile-to-base ("upstream") cellular communications in order to avoid harmful interference between systems. They cited to work within Working Party 8F of

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International Telecommunication Union Radiocommunication Study Group 8 as supporting their position on the size of the guardband required, and noted that proposals being considered by the Commission were fundamentally flawed because they fail to address the harmful interference that will be caused under the following scenarios:

- If Mobile Satellite Service (“MSS”) licensees are permitted to operate terrestrial systems upstream at 1990-2025 MHz and depending on the specific frequencies that MSS retains after any reallocation, certain of those MSS terrestrial upstream operations will be within 14-15 MHz of operations in the 1930-1990 MHz band historically used for downstream Personal Communications Service (“PCS”) operations;
- If a new Advanced Wireless Service (“AWS”) unpaired band is established above 2155 MHz in the spectrum reallocated from MDS and/or spectrum reallocated from MSS, it would likely be used by many licensees for Time Division Duplex (“TDD”) systems (*i.e.* they would use the same spectrum for upstream and downstream communications). Such spectrum could be within 14-15 MHz of both: (i) the spectrum at 2110-2155 MHz that the Commission has allocated for auction on a paired basis with the 1710-1755 MHz band for AWS; and (ii) depending on the specific spectrum allocated for MSS, perhaps spectrum in the 2165-2200 MHz band that MSS licensees would use for downstream terrestrial communications;
- If MDS is relocated to 12 MHz of contiguous spectrum in the 2165-2200 MHz band (an approach the MDS interests oppose), many MDS licensees would opt to operate TDD systems that, depending on the specific spectrum allocated for MDS, would be within 14-15 MHz of: (i) the spectrum at 2110-2155 MHz that will likely be **used** by AWS licensees for downstream communications; and (ii) the remaining spectrum at 2165-2200 MHz that MSS licensees will use for downstream terrestrial communications;
- If MDS is relocated to 12 MHz of contiguous spectrum in the 2165-2200 MHz band, some MDS licensees would likely opt to continue to operate upstream facilities in the band. Depending on the specific spectrum assigned MDS, such usage would be within 14-15 MHz of the AWS downstream usage at 2110-2155 MHz, the TDD AWS systems at 2155-2165 MHz and/or the MSS downstream usage in the remainder of the 2165-2200 MHz band; and
- If MDS is relocated to 12 MHz of contiguous spectrum adjacent to a new unpaired AWS band, TDD operations in that AWS band could be operating upstream at times when the adjacent MDS TDD system would be operating downstream.

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In light of these concerns, the MDS interests urged exploration of alternative approaches that minimize the number of guardbands that will be required to separate upstream and downstream transmissions.

Pursuant to Section 1.1206 of the Commission's Rules, an original and three **copies** of this letter are being filed with your office for placement in the two referenced dockets. Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Sinderbrand", with a long, sweeping horizontal stroke at the end.

Paul J. Sinderbrand

cc Samuel Fcder