

Submitted via ECFS

May 17, 2004

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

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands – WT Docket No. 03-66 --*
NOTICE OF EX PARTE PRESENTATION

Dear Ms. Dortch:

Earlier today, Harry Perlow and the undersigned met on behalf of the Wireless Communications Association International, Inc. (“WCA”) with John Schauble and Henry Allen of the Wireless Telecommunications Bureau’s Broadband Division regarding WCA’s positions on certain of the provisions of the *Notice of Proposed Rulemaking* in the referenced proceeding.

WCA provided an explanation of the proposals advanced by WCA, the National ITFS Association (“NIA”) and the Catholic Television Network (“CTN”) for a dual spectral mask to control adjacent channel interference. In particularly, Mr. Perlow, who was a member of the Technical Task Group of WCA’s Engineering Committee that formulated the proposal, provided background on the consensus process by which the proposed 67+10 log (P) operational mask was developed and the important objectives served by that requirement. WCA emphasized that the dual mask is designed to provide licensees and system operators with a level of certainty regarding their rights and obligations, and that replacement of such certainty with a more general coordination obligation could deter investment in the band. WCA stressed that the dual mask balances the competing interests of reasonably protecting the operations of first movers, while assuring that newcomers will not be foreclosed from utilizing their technology of choice due to interference risks. In other words, the dual mask allows all licensees to deploy and provide reasonable service levels, without adversely prejudicing the ability of adjacent channel licensees to make their own deployments using their own technology of choice.

Marlene H. Dortch
May 17, 2004
Page 2

WCA also noted that any reduction in channel size from that proposed in the WCA-NIA-CTN bandplan would undermine the ability of licensees to utilize the technology of their choice because it would eliminate spectrum that can serve as guardband when required to meet the $67+10 \log (P)$ operational spectral mask between non-synchronized systems. Mr. Perlow noted recent developments concerning transmissions over 10 MHz wide channels, and expressed concern that if MDS/ITFS channel sizes were reduced to 5 MHz, an operator would require more than two contiguous channel groups (*i.e.* more than six channels) in order to have the three 10 MHz channels required to implement the popular network design in which each cell covers a 120° sector using a different frequency. WCA stressed that because MDS/ITFS licensees will have to set aside spectrum for guardband in any non-synchronized situation, reducing the standard three channel group size from the 16.5 MHz called for by WCA, NIA and CTN to 15 MHz would preclude MDS/ITFS licensees from deploying technologies based on channels of 5 MHz or multiples thereof.

Should you have any questions regarding this presentation, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

cc: John Schauble
Henry Allen