

# McDermott Will & Emery

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February 11, 2005

## VIA E-MAIL

800 MHz Transition Administrator  
c/o Robert B. Kelly  
Squire, Sanders & Dempsey, L.L.P.  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 407  
Washington, DC 20044-0407

Re: Motient License Inc. Election for Guard Band Spectrum at 861-862 MHz (WT Docket No. 02-55)

Dear Transition Administrator:

This is in response to Motient License Inc.'s ("Motient's") letter of January 21, 2005 proposing its election to relocate to the Guard Band at 861-862 MHz in connection with the realignment of the 800 MHz Band pursuant to the FCC's *800 MHz Report and Order* (Aug. 6, 2004, FCC 04-168) and the *Supplemental Order on Reconsideration* in the same docket (Dec. 22, 2004, FCC 04-294). Motient is seeking "uniform Guard Band channels in all markets where Motient operates" and has designated a number of channels in Alabama, Georgia and Mississippi that it wishes to relocate to the 861-862 MHz band.<sup>1</sup>

While Motient indicates that it seeks such relocation "in all markets where spectrum is available for such relocation," in an abundance of caution Southern LINC is filing this letter to remind the Transition Administrator of constraints imposed by the *800 MHz Report and Order* in the Southeastern United States (the "Southeast") that provide for an alternate band plan with the

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<sup>1</sup> Specifically, Motient is seeking relocation to 861-862 MHz for 800 MHz frequencies associated with the following call signs that fall within the alternate southeast band plan: KNDN333 (Jackson & Ridgeland, MS); KNDN364 (Atlanta, Mabelton, Marietta, and Decatur, GA); KNDN388 (Albany, GA); WNMA264 (Starkville & Columbus, MS); WNMZ813 (College Park, Jonesboro, Atlanta, Stone Mountain, Roswell & Duluth, GA); WNSR605 (Atmore, AL); WNRI515 (Norcross & Alpharetta, GA); WPUD227 (Greenville, GA); WPPB247 (Cumming, GA); WPPX294 (Panthersville, GA); WPPY789 (Douglasville, GA); WPPZ859 (Tucker, GA); WPQD699 (Chelsea, AL); WPQD705 (Birmingham, AL); WPQF506 (Hoover, AL); WPSE995 (Atlanta, GA); WPSI670 (Atlanta, GA); and WPTD399 (Tucker, GA). Any other Motient frequencies licensed in the areas identified in Appendix G of the *800 MHz Report and Order* would be subject to the constraints outlined herein.

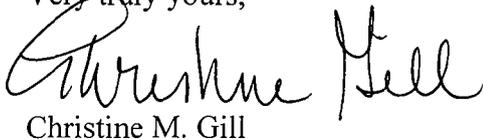
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ESMR band located at 813.5-824 MHz / 858.5-869 MHz, and an Expansion Band from 812.5-813.5 MHz / 857.5-858.5 MHz.<sup>2</sup> No Guard Band channels were designated in the Southeast.

Accordingly, the spectrum at 861-862 MHz that is designated as Guard Band spectrum in other areas of the country is unavailable to fulfill Motient's request insofar as it seeks spectrum in that particular segment of the 800 MHz band in the Southeast. Further, to the extent that Motient has channels located in the ESMR band (813.5-824 MHz / 858.5-869 MHz) in the Southeast, it will be required to relocate to channels below 858.5 MHz.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Christine M. Gill".

Christine M. Gill

cc: Office of Secretary  
Federal Communications Commission  
Docket No. 02-55

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<sup>2</sup> 800 MHz Report and Order, Appendix G.