

**HOGAN & HARTSON**  
**L.L.P.**

COLUMBIA SQUARE  
555 THIRTEENTH STREET, N.W.  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910  
WWW.HHLAW.COM

May 20, 2005

VIA ECFS

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: Ex Parte Communication**  
WT Docket No. 02-353  
Service Rules for Advanced Wireless Services in the 1.7 and 2.1  
GHz Bands

Dear Ms. Dortch:

SunCom Wireless Operating Company, L.L.C., f/k/a Triton PCS Operating Company, L.L.C. ("SunCom"), by its attorneys, submits this ex parte letter to join with other wireless carriers to support Commission adoption of the Joint Proposal filed in the above-captioned docket by T-Mobile USA, Inc. ("T-Mobile") and Rural Telecommunications Group, Inc. ("RTG") on March 11, 2005. The Joint Proposal encourages the Commission to update and revise its band plan for Advanced Wireless Services ("AWS") in the 1710-1755 and 2110-2155 MHz bands. 1/

Specifically, the parties submitting the Joint Proposal suggest that the Commission should reconfigure the current 30 MHz "E Block" AWS license block to create a sixth AWS license block. 2/ T-Mobile and RTG contend that this

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1/ See Service Rules for Advanced Wireless Services in the 1.7 and 2.1 GHz Bands, *Report and Order*, 18 FCC Rcd 25612 (2003) ("Report and Order").

2/ Joint Proposal at 2. The Joint Proposal recommends specifically that the band plan be changed by dividing the current 30 MHz E Block into three constituent parts and incorporating those parts into a modified plan as follows: one

reconfiguration would better promote competition in all areas of the country, including rural and underserved areas, by allowing national and regional carriers to utilize spectrum blocks sized appropriately for both types of carriers when augmenting their existing voice and data services.

SunCom is a mid-sized carrier that, after a pending exchange of territories with Cingular Wireless, will be licensed to provide digital wireless communications services in an area covering 14.3 million people in the Southeastern United States and 4 million people in Puerto Rico and the U.S. Virgin Islands. A regional carrier providing service in thirty-seven markets, including ten of the top one hundred markets in the nation, SunCom plans to participate in the upcoming AWS auction and needs additional spectrum to expand its market and enhance its service offerings.

SunCom supports the Joint Proposal and subsequent communications filed in this docket by U.S. Cellular Corporation and Ericsson Inc. SunCom specifically agrees that the Commission's existing AWS E Block should be adapted to reflect changed market conditions. The modified band plan would create realistic opportunities for regional and local carriers operating in smaller and underserved markets to offer their subscribers new advanced services. Granting these carriers access to affordable spectrum blocks more appropriate for their needs would promote local competition between wireless carriers of all sizes, but it would not prevent carriers in need of larger spectrum blocks from aggregating licenses and combining the smaller spectrum blocks proposed by T-Mobile and RTG.

Continued consolidation in the wireless industry has vastly increased the spectrum holdings of the largest wireless carriers, and proposed merger transactions still subject to the Commission's review would, if approved, only continue that trend. To preserve the promise of competition in local markets served by the largest wireless carriers, smaller regional and rural carriers – as well as major carriers and new entrants just entering those local markets – must have access to additional and smaller spectrum blocks that will allow competitors to continue deployment of the new service offerings that subscribers demand.

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10 MHz paired block of spectrum (1750-1755 MHz and 2150-2155 MHz) would continue to be licensed within the 12 REAGs (creating a new F Block); a second 10 MHz block (pairing 1745-1750 MHz with 2145-2150 MHz) would be licensed within the 176 EAs rather than on an REAG basis (new E Block); and the third 10 MHz spectrum block (pairing 1740-1745 MHz with 2140-2145 MHz) would be combined with the 10 MHz paired spectrum currently assigned to the existing D Block for a total of 20 MHz of paired spectrum within the established 734 RSAs/MSAs.

SunCom urges the Commission to respond to these changed market conditions by adopting the modified band plan outlined in the T-Mobile/RTG Joint Proposal.

SunCom disagrees strongly with certain arguments advanced by Cingular Wireless (“Cingular”) in an ex parte presentation to Wireless Telecommunications Bureau staff on May 10, 2005. As described in a notice of ex parte presentation filed in this docket on May 11, 2005, Cingular opposes the Joint Proposal’s division of a 20 MHz block of spectrum in the existing E Block into two 10 MHz paired blocks to be licensed, respectively, on an REAG and an EA basis. Cingular contends that such a modification to the existing E Block would lead to inefficient use of spectrum and increased interference, arguing that 2x10 MHz blocks are the minimum required to support today’s AWS technologies.

Even if Cingular is correct in suggesting that *some* higher bandwidth, wireless broadband applications require such wide channels, these high bandwidth applications are not the only valuable AWS services that carriers may offer. SunCom and other regional and rural wireless carriers plan to deploy a broad range of innovative AWS services to their subscribers, but could be foreclosed from offering such advanced voice and data services if the majority of the licenses available are unaffordable and uneconomical for all but the largest carriers.

SunCom also disputes Cingular’s assertion that 2x10 MHz licenses are the minimum needed to avoid interference from adjacent bands. Cingular fails to explain why or how the division of the existing E Block into 10 MHz licenses will do anything to exacerbate interference concerns. There should be no meaningful difference between the engineering practices required under the existing band plan or the Joint Proposal’s modified plan to protect against both in-band and out-of-band interference.

Finally, Cingular complains that the location of the proposed E and F Blocks at the top of the bands and the geographic designations proposed in the Joint Proposal would make aggregation of non-contiguous blocks in the AWS bands difficult. The serious obstacles that a wide variety of new and incumbent carriers would face in the absence of affordable spectrum blocks far outweigh any minor difficulties that nationwide carriers may encounter in aggregating spectrum under the flexible, modified band plan suggested in the Joint Proposal, especially given the large regional 20 MHz A and B Blocks already available under the Commission’s proposal. The Commission’s adoption of the Joint Proposal would foster competition and the development of diverse offerings from an array of providers, allowing market forces rather than regulation to determine optimal license and business sizes.

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Should you have any questions concerning this submission, kindly contact the undersigned.

Sincerely,

*/s/ Michele C. Farquhar*

Michele C. Farquhar

Matthew F. Wood

Attorneys for SunCom Wireless Operating  
Company, L.L.C.