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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 ORAL EX PARTE COMMUNICATION

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am writing to advise that yesterday Karen Possner of BellSouth Corporation, Nadja Sodos-Wallace and Brandon Bullis of Clearwire Corporation, George Alex of Nextwave Broadband Inc., Howard Verlin of Pegasus Communications Corporation, Robert Finch and Trey Hanbury of Sprint Nextel Corporation, and the undersigned on behalf of the Wireless Communications Association International, Inc., met with Commissioner Jonathan S. Adelstein and Barry Ohlson, his Senior Legal Advisor. The purpose of the meeting was to express the opposition of wireless broadband system developers to the proposed reinstatement of a rule limiting Educational Broadband Service ("EBS") excess capacity leases to a maximum term of fifteen years.

The participants emphasized that adoption of the proposed maximum lease term would undermine the Commission's efforts to promote rapid deployment of wireless broadband facilities using leased EBS spectrum for the benefit of both consumers and educational users who will have access to advanced wireless networks that EBS licensees cannot practically deploy on their own. It was explained that because a fifteen year EBS lease term does not provide assured access to spectrum for a sufficient length of time to satisfy the needs of the investment community, funding will not flow to EBS-based broadband systems. The wireless system developers explained how advanced wireless broadband systems will not be deployed using the EBS spectrum and investment will be driven to other spectrum (such as 700 MHz, the Wireless Communications Service at 2.3 GHz or the Advanced Wireless Service at 1.7/2.1 GHz). The net

result, they explained, will be an end to the symbiotic relationship between commercial service providers and EBS -- lease-driven funding that has been critical to the exponential growth of EBS over the past two decades will be jeopardized, and the handful of EBS licensees that are not dependent on leasing revenues for their EBS activities will be denied the new advancements in technology that will inevitably result from commercial activities in the 2.5 GHz.

The broadband system operators noted that imposition of an uneconomic maximum lease term is not necessary to protect EBS licensees. They provided a variety of examples of situations where EBS licensees have negotiated excess capacity leases that extend beyond fifteen years, while affording the EBS licensee the ability to gain use of additional spectrum or services over the course of the agreement should educational needs change. However, it was pointed out that these contractual provisions vary from case to case based upon the differing needs of different EBS licensees, and that there is no "one size fits all" model that the Commission should incorporate into its rules. Rather, it was suggested that the Commission afford EBS licensees the flexibility to identify their own local educational needs and to craft their own solutions. It was also noted during the course of the meeting that many within the EBS community have expressed support for allowing EBS licensees to enter into leases in excess of fifteen years, both by actually entering into leases in excess of fifteen years and through filings with the Commission in WT Docket No. 03-66.

Pursuant to Section 1.1206(b) of the Commission's Rules, an electronic copy of this letter is being filed with the office of the Secretary. Should you have any questions regarding this presentation, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Counsel for the Wireless Communications
Association International, Inc.

cc: Hon. Jonathan S. Adelstein
Barry Ohlson