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Donald C. Brittingham
Director – Wireless/Spectrum Policy

January 13, 2006

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

**Re: *Ex Parte* Presentation
WT Docket No. 03-103; “Air-Ground Telecommunications Services”**

Dear Ms. Dortch:

On January 12, 2006, representatives of Verizon Airfone (“Airfone”) met with FCC staff in the International Bureau and Wireless Telecommunications Bureau to discuss issues related to the negotiation of new cross-border agreements with Canada and Mexico. Attachment 1 is a list of the participants in the meeting.

As Airfone noted in previous meetings with the staff, timely negotiations of new cross-border agreements with Canada and Mexico is extremely important to the provision of broadband Air-Ground services in the United States. In addition, it is critical to enable Airfone to meet its obligation under the new rules adopted by the Commission, i.e., to reconfigure its current narrowband system – such that it uses just 1 MHz of spectrum – within 24 months of the grant of new licenses. Airfone cannot reconfigure its system until the auction for those licenses is complete, because the outcome of the auction will determine the specific configuration of the Air-Ground band. However, Airfone has taken, and will continue to take, a number of significant steps to prepare for this process to ensure that it can complete the reconfiguration as quickly as possible after licenses have been granted. Airfone seeks the FCC’s support in expediting its own processes so that the formation of new cross-border agreements do not act as an impediment to the timely clearance of the spectrum and the introduction of new broadband services.

In its recent *Report and Order*, the Commission acknowledged that Airfone will need to employ a new frequency channel plan to successfully reconfigure its narrowband system, and it authorized Airfone to use the spectrum “any way it wants,” subject to successful coordination with operators in Canada and Mexico. (See Attachment 2). Airfone believes

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that the existing cross-border agreements with Canada and Mexico (see Attachment 2) are fully consistent with the approach contemplated by the Commission's *Order*. Specifically, Airfone has the flexibility to employ a new frequency channel plan, as required by the Commission's *Order*, subject to successful coordination with all affected Air-Ground operators and the approval of their respective regulatory agencies, without the need for the formation of a new cross-border agreement to cover Airfone's reconfigured narrowband system. (Airfone acknowledges the need to establish new cross-border agreements for new systems deployed post-auction).

Airfone has developed alternative channel plans, which would be employed depending on whether Airfone is required to relocate to the upper or lower 1 MHz of the band. As Airfone has previously noted, it is not only necessary for Airfone to coordinate its use of a new frequency channel plan with existing operators in Canada and Mexico, but it is necessary for those operators to also adopt that new plan to avoid harmful interference between their respective systems. Airfone is currently coordinating with the only operators providing service in those countries – i.e., Bell Mobility in Canada and Telmex in Mexico.

Airfone noted that the FCC's approval of these alternative channel plans in advance of the auction would allow it to "hit the ground running" after the new licenses are granted, and would expedite the reconfiguration of the narrowband system and the ultimate deployment of new broadband air-ground services by whomever wins a license in the auction. Airfone seeks the FCC's support for this approach. Conversely, waiting until after the auction to seek FCC approval, and corresponding approvals for Bell Mobility in Canada and Telmex in Mexico, could substantially delay the process.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket.

Sincerely,

/s/ Donald C. Brittingham
Donald C. Brittingham

Attachments

cc:	Kathy O'Brien	Selina Kahn
	Jennifer Gilsonan	David Furth
	Larry Olson	Zenji Nakazawa
	James Ballis	B.C. ("Jay") Jackson
	Thomas Lucey	Richard Arsenault
	Marcus Wolf	

ATTACHMENT 1

**Verizon Airfone Ex Parte Meeting of January 12, 2006
WT Docket No. 03-103**

List of Attendees

Kathy O'Brien, International Bureau

Jennifer Gilsenan, International Bureau

Larry Olson, International Bureau

James Ballis, International Bureau

Thomas Lucey, International Bureau

Marcus Wolf, International Bureau

Selina Kahn, International Bureau

David Furth, Wireless Telecommunications Bureau

Zenji Nakazawa, Wireless Telecommunications Bureau

B.C. ("Jay") Jackson, Wireless Telecommunications Bureau

Richard Arsenault, Wireless Telecommunications Bureau

Jacquelynn Ruff, VP-Int'l Public Policy & Reg. Affairs, Verizon Communications

Don Brittingham, Director-Wireless/Spectrum Policy, Verizon Communications

Karen Zacharia, Vice President & Associate General Counsel, Verizon Communications

Robert Combs, Director, Verizon Airfone

ATTACHMENT 2

AIR-GROUND TELECOMMUNICATIONS SERVICES WT Docket No. 03-103

Issues Pertaining to the Reconfiguration of Verizon Airfone's Existing Narrowband System

FCC Rules

Report and Order: *"In the Matter of Amendment of Part 22 of the Commission's Rules to Benefit the Consumers of Air-Ground Telecommunications Services,"* FCC 04-287, rel. Feb. 22, 2005.

Paragraph 76: "In revising our current air-ground rules, we are eliminating all of the command and control technical rules, which enabled dynamic sharing of communications channels under the former licensing scheme. Verizon Airfone may reconfigure the narrowband channelization of its existing system in the upper portion 0.5 MHz portion of each 2 MHz band (or lower 0.5 MHz portion of each band if band plan 3 is implemented) any way it wants, including using control channel(s) of any authorized bandwidth less than 6 kHz (not limited to 3.2 kHz as they are now)." [emphasis added]

Paragraph 81: "Verizon Airfone must coordinate any technical changes within 885 kilometers (550 miles) of the U.S.-Canadian or U.S.-Mexican borders with the appropriate air-ground licensees in those countries prior to requesting appropriate governmental approval. Verizon Airfone may locate or relocate ground stations operating at any power level (not exceeding 100 watts), subject only to international coordination. Verizon Airfone must maintain and provide to the FCC and the new 800 MHz air-ground licensee(s) a current list of the locations and channels used at all ground stations, which will enable the licensee(s) to provide interference protection to the existing system's operations." [emphasis added; footnote omitted]

International Agreements

Canada: *"Arrangement Between the Federal Communications Commission of the United States of America and the Department of Communications of Canada Concerning the Use of the Bands 849-851 MHz and 894-896 MHz Along the United States-Canada Border,"* effective Aug. 31, 1992.

Section 4.3: "Ground stations within 885 km (550 miles) of the United States/Canada border not located within 8 km of the coordinates specified in Appendix B or using frequencies other than those specified for that location may be implemented only subject to the approval of both Agencies. Coordination of such ground stations will be undertaken by the system operators prior to request for approval by the Agencies." [emphasis added]

Mexico: *"Protocol Concerning the Use of the 849-851 and 894-896 MHz bands for Public Air-to-Ground Radio Service,"* established pursuant to the *"Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border,"* effective Jun. 16, 1994.

Article IV, Paragraph 3: "Ground stations within 885 km (550 miles) of the United States/Mexico border not located within 8 km (5 miles) of the coordinates specified in Appendix II or III or using frequencies other than those specified for that location may be implemented only subject to the approval of both Administrations. Coordination of such ground stations will be undertaken by the system operators prior to request for approval by the Administrations." [emphasis added]