

March 13, 2006

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

Re: *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems* – ET Docket No. 00-258

Dear Ms. Dortch:

I am writing on behalf of the Wireless Communications Association International, Inc. (“WCA”) to respond to an argument recently advanced by SpeedNet, L.L.C. (“SpeedNet”) in meetings with Commission staff concerning the above-referenced proceeding.¹ Although WCA is in general agreement with the proposals advanced by SpeedNet in those meetings, WCA is troubled by the SpeedNet proposal that would demote BRS channel 1 and 2 licenses to secondary status in the 2150-2162 MHz band just ninety days into the thirty-six month mandatory negotiation period between the BRS licensee and an Advanced Wireless Service (“AWS”) auction winner seeking to involuntarily relocate the BRS licensee from the 2150-2162 MHz band.²

WCA previously addressed this proposal in its reply comments on the Commission's *Fifth Notice of Proposed Rulemaking* in ET Docket No. 00-258,³ and its position has not changed; Commission precedent and fundamental fairness dictate that BRS incumbents remain

¹ Specifically, according to *ex parte* notices filed by SpeedNet, it met on March 2, 2006 with Fred Campbell, Barry Ohlson, John Giusti and Aaron Goldberger. See Letters from Suzanne S. Goodwyn, Counsel to SpeedNet, L.L.C., to Marlene Dortch, ET Docket No. 00-258 and WT Docket No. 03-66 (filed Mar. 3, 2006).

² See *id.*, Attachment 1 (“Any new or expanded operations on any BRS 1 and 2 channel should be deemed primary operations until ninety days after written notice that negotiations with the AWS entrant are to commence.”).

³ See *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, Eighth Report and Order, Fifth Notice of Proposed Rulemaking and Order, 20 FCC Rcd 15855 (2005).

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primary *until they actually relocate to their replacement spectrum*.⁴ Since it is highly unlikely that most mandatory negotiations will result in a completed BRS relocation within ninety days, adoption of SpeedNet's proposal would virtually guarantee that most BRS incumbents will lose their primary status at 2150-2162 MHz before they are relocated to comparable facilities in the 2.5 GHz band, depriving them of interference protection from AWS licensees and thus seriously jeopardizing their service to existing customers and their ability to add new ones. As before, WCA fails to see how that result serves the public interest, and the record confirms that BRS licensees and operators (save for SpeedNet) are of the same view.⁵

Should there be any questions concerning this submission, please contact the undersigned.

Respectfully submitted,

Paul J. Sinderbrand

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Counsel to the Wireless Communications
Association International, Inc.

cc: Fred Campbell
John Giusti
Barry Ohlson
Aaron Goldberger

⁴ See Reply Comments of Wireless Communications Ass'n Int'l, Inc., ET Docket No. 00-258, at 4 n.11 (filed Dec. 12, 2005).

⁵ See, e.g. Reply Comments of Sprint Nextel Corp., ET Docket No. 00-256, at 4 n.11 (filed Dec. 12, 2005).