



March 28, 2006

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, DC 20554

Re: **Ex Parte Notice**
ET Docket No. 00-258
AU Docket No. 06-30

Dear Ms. Dortch:

On Monday March 27, 2006, the undersigned and Patrick Welsh of T-Mobile, along with Eric DeSilva and Tom Dombrowsky of Wiley Rein & Fielding LLP met with members of the Office of Engineering and Technology (“OET”) to discuss the above referenced dockets. Julius Knapp, Alan Scrimme, Geraldine Matise, Jamison Prime, Priya Shrinivasan and Patrick Forster were in attendance from OET. During the meeting, the attached presentation was discussed as well as the issues surrounding the use of concealed bidding for the upcoming Advanced Wireless Service (“AWS”) auction.

In particular, T-Mobile noted that it was critically important to move quickly to relocate incumbent license holders in AWS spectrum bands so that this spectrum could be rapidly deployed for advanced services. In addition, the need for certainty surrounding the relocation bands for Broadband Radio Service (“BRS”) incumbents was discussed in detail. T-Mobile also expressed its support for an interim move of BRS-1 incumbents from the 2150-2156 MHz band to 2496-2500 MHz.

Similarly, T-Mobile expressed some support for the move of BRS-2/2A incumbents to the 2686-2690 MHz band so long as such a relocation could be accomplished in a timely manner. However, T-Mobile disagreed with the Sprint Nextel technical analysis that would require all AWS license holders to be responsible for relocation of BRS 1/2/2A incumbents. In support of this point, T-Mobile noted the existing FCC study of interference effects between AWS and BRS license holders that clearly demonstrated that adjacent band operations would not adversely affect BRS incumbents. T-Mobile also discussed the attached map showing the BRS incumbency in the New York market area.

Furthermore, T-Mobile urged the Commission to seek relocation cost estimates from the BRS incumbents. Such data would be beneficial to all potential AWS bidders and would help define the relocation rights and requirements for BRS incumbents. However, any such data collection efforts should not cause any delays for the impending June 29, 2006 AWS auction. Moreover, T-Mobile urged the Commission to reconfirm that AWS

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license holders are permitted to pay incumbents to cease operations rather than relocate and that all incumbent parties have a responsibility to negotiate relocation in good faith. T-Mobile noted its concern that incumbent operations in the 2.1 GHz and BRS spectrum bands were direct competitors and relocation of these parties should be strongly encouraged by the Commission to ensure continued competition in the wireless marketplace.

T-Mobile also noted that establishment of a neutral clearinghouse to administer cost-sharing between the new entrants in the AWS spectrum band would be beneficial. Finally, T-Mobile discussed its views on the “blind” bidding proposals for the AWS auction, consistent with its prior ex parte filings.

Sincerely,

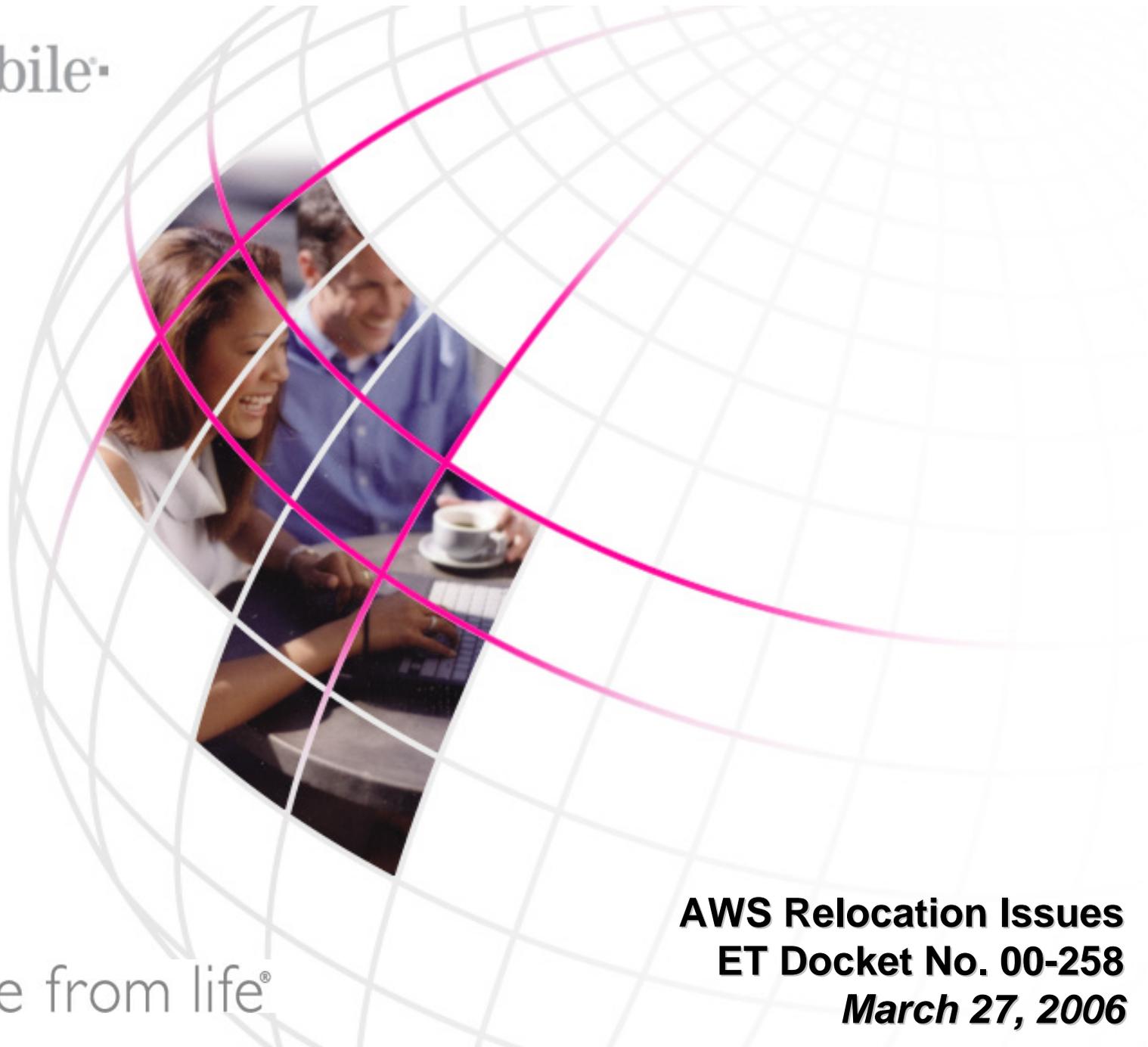
/s/

Kathleen O'Brien Ham

cc: Julius Knapp
Alan Scime
Geraldine Matise
Jamison Prime
Priyi Shrinivasan
Patrick Forster

Attachments

... T ... Mobile



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AWS Relocation Issues
ET Docket No. 00-258
March 27, 2006



- **T-Mobile is pleased the FCC has decided to commence the AWS Auction on June 29, 2006, as announced**
- **AWS spectrum is critical to continued competition and product choice in the marketplace for advanced services**
- **T-Mobile intends to move aggressively to roll out next generation wireless services in this spectrum**
- **However, there are several remaining issues surrounding the relocation of incumbent licensees in the AWS spectrum that require attention to ensure expeditious use of the band post-auction**



- **Broadband Radio Service (BRS) Relocation**
 - BRS occupies the 2150-2160/2 MHz band that is identified for AWS use.
 - BRS-1 (2150-2156 MHz) overlaps 5 MHz of AWS F block (1745-1755/2145-2155 MHz)
 - Under the new BRS bandplan, BRS-1 is to be moved to 2496-2502 MHz – but not until the three year BRS transition is completed.
 - Some suggestions that BRS-1 can be moved temporarily to 2496-2500 MHz while BRS transition is completed – T-Mobile supports such an interim relocation



- **Relocation of BRS-2/2A**

- BRS-2 does not overlap with AWS F block but BRS incumbents have argued that BRS-1 and BRS-2 must be moved simultaneously
 - 2156-2162 MHz in top 50 markets (BRS-2)
 - 2156-2160 MHz elsewhere (BRS-2A)
 - *Claims AWS will interfere with BRS-2 are overstated; joint relocation is purely policy issue*
- BRS-2/2A cannot be relocated to post-transition home (2618-2624 MHz), which is encumbered, so BRS incumbents have suggested:
 1. *AWS relocation of Broadcast Auxiliary Service (BAS) systems out of the 2686-2700 MHz band;*
 2. *AWS relocation of BRS-2/2A to 2686-2700 MHz pending the BRS transition;*
 3. *AWS relocation of BRS-2/2A to 2618-2624 MHz post BRS transition*
- T-Mobile agrees that BRS-2/2A should be moved at the same time as BRS-1 if and only if the relocation can be accomplished in a timely manner that does not impact AWS deployment



- **Sprint's AWS/BRS Interference Analysis is Flawed**
 - Sprint concludes all AWS—regardless of spectrum block—will interfere with BRS facilities at vast distances.
 - FCC/OET has already conducted a technically rigorous study of AWS/BRS interference
 - *See Appendix 4 of Final 3G Report on 2500-2690 MHz*
 - *Outer limit of protection must be the lesser of LOS or 100 mi.*
 - *FCC concludes adjacent channel protection distance drops off by a factor of 100 for each 1 MHz of separation*
 - **Sprint's analysis does not provide similar technical rigor**



- **Independent of the FCC's ultimate conclusions with respect to what BRS facilities are relocated, further BRS information would be useful**
 - BRS 1/2/2A incumbents should be required to provide relocation estimates for their systems
 - Contrary to past relocations, the Commission's license database fails to adequately demonstrate the nature of incumbent usage of the spectrum, including the number of end user sites that will require relocation
 - This relocation information would be helpful to AWS bidders if provided prior to the AWS auction
- **Early gathering of this information will better define the debate concerning the relocation rights and requirements of BRS incumbents**
- **However, AWS auction could proceed on schedule without this information, but auction bidding would reflect the lack of certainty associated with incumbent relocation costs**



- **The Commission should make clear that it is acceptable to pay incumbent license holders to “go dark” and cease operations rather than embark on a relocation process**
- **The Commission should reconfirm that all incumbent parties have a responsibility to negotiate relocation in good faith to ensure an expeditious relocation process**
- **T-Mobile believes the relocation process would benefit from the establishment of a neutral clearinghouse, to enable the sharing of costs between AWS and MSS license holders that are relocating incumbents in the AWS spectrum**



- **The upcoming AWS auction represents the most compelling, nationwide CMRS spectrum made available in over a decade.**
- **Relocation of incumbent operations in the AWS spectrum bands must be handled expeditiously and thoroughly to ensure rapid use of this spectrum by auction winners.**

BRS Channel 1/2/2A Incumbents and Ownership in the NY REA

