

April 4, 2006

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 –
WRITTEN EX PARTE PRESENTATION

Dear Ms. Dortch:

I am writing on behalf of the Wireless Communications Association International, Inc. (“WCA”) regarding recent correspondence from Sprint Nextel Corporation (“Sprint Nextel”) proposing specific revisions to Section 27.53 of the Commission’s Rules and the response of Clearwire Corporation advocating retention of the current requirement that a “documented interference complaint” be filed before the more stringent elements of the spectral mask set forth in that Section must be complied with by Broadband Radio Service (“BRS”) and Educational Broadband Service (“EBS”) licensees.¹

As is reflected by WCA’s prior filings in this proceeding, Sprint Nextel’s approach to addressing out-of-band emission (“OOBE”) interference among BRS/EBS operations is generally in accord with the proposals that have been advanced by WCA, the Catholic Television Network (“CTN”) and the National ITFS Association (“NIA”).² However, regardless of whether

¹ See Letter from Trey Hanbury to Marlene H. Dortch, WT Docket No. 03-66 (filed Mar. 23, 2006); Letter from Terri Natoli to Marlene H. Dortch, WT Docket No. 03-66 (filed Mar. 27, 2006).

² See, e.g. Comments of Wireless Communications Ass’n Int’l, Inc., Catholic Television Network and National ITFS Ass’n, Inc., WT Docket No. 03-66, at 48-55 (filed Sept. 8, 2003); Reply Comments of Wireless Communications Ass’n Int’l, Inc., Catholic Television Network and National ITFS Ass’n, Inc., WT Docket No. 03-66, at 25-28 (filed Oct. 23, 2003); Petition of Wireless Communications Ass’n Int’l, Inc., WT Docket No. 03-66, at 40-47 (filed Jan. 10, 2005)[“WCA Petition”]; Consolidated Opposition of Wireless Communications Ass’n Int’l, Inc., WT Docket No. 03-66, at 25-26 (filed Feb. 22, 2005); Consolidated Reply of Wireless Communications Ass’n Int’l, Inc., WT Docket No. 03-66, at 16-18 (filed Mar. 9, 2005).

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the Commission eliminates the documented interference complaint requirement, the rules it adopts must address four issues.

- First, the Commission must retain the current restrictions on OOB for digital video operations prior to transition and thereafter within the Middle Band Segment. Those restrictions are currently set forth in Section 27.53(1)(3), have not been the subject of any petition for reconsideration, and should be retained. Although the Sprint Nextel proposal does not include such restrictions, WCA understands from discussions with Sprint Nextel that it is not suggesting their elimination.
- Second, WCA previously has established that the risk of OOB interference extends beyond just immediately adjacent channels, and has urged the Commission to apply OOB obligations wherever two licensees have overlapping Geographic Service Area (“GSA”), regardless of their specific channel assignments.³ This was the approach initially advocated in the Coalition Proposal submitted jointly by WCA, NIA and CTN, and no one has refuted that the risk of interference extends beyond the immediately adjacent channel.⁴
- Third, the substantive rules must require that non-mobile digital user stations attenuate their signal by at least $55 + 10 \log (P)$ at 5.5 MHz from the channel edges (in addition to the present requirement that they attenuate their signals by $43 + 10 \log (P)$ at the channel edges).⁵ This requirement is imposed on mobile stations and, consistent with the WCA/NIA/CTN Coalition Proposal,⁶ it should be applied to all user stations, not just those that are mobile. There is no logical reason for imposing this requirement on mobile, but not fixed or temporary fixed stations, and no one has refuted the logic of WCA’s proposal.

³ See WCA Petition at 43 (“the Commission should make clear, as proposed by WCA, NIA and CTN, that the more stringent element of the dual mask set forth in Section 27.53(1)(2) can be invoked by any licensee in the LBS or the UBS that has a GSA overlapping the GSA of recipient of the request, regardless of whether it is licensed to operate on a first adjacent channel.”).

⁴ See “Second Supplement To ‘A Proposal For Revising The MDS And ITFS Regulatory Regime,’” RM-10586, at 2-3 (filed Feb. 7, 2003)[“Second Coalition Supplement”](“Every licensee should be required after receipt of a written request from any other licensee with a GSA that overlaps the GSA of the recipient licensee to take such steps as are necessary to manage out-of-band emissions of base stations located within the overlap area such that they are attenuated below the transmitter power (P_{watts}) by at least $67 + 10 \log(P_{\text{watts}})$ dB measured 3 MHz and beyond inside the frequency block of the requesting licensee.”).

⁵ See WCA Petition at 43.

⁶ See Second Coalition Supplement at 2-3.

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- Fourth, WCA has previously proposed that the Commission adopt special requirements for rural operations utilizing fixed, outdoor transmission equipment on the grounds that the less dense rural deployments pose less of a threat to other BRS/EBS licensees in the same area.⁷ Again, no one has refuted WCA's argument that rural subscriber facilities propose less of a threat than those in more densely populated areas, and thus can be regulated with a lighter hand than proposed in the draft rules submitted by Sprint Nextel.

Pursuant to Section 1.1206(b)(1), this notice is being filed electronically with the Commission via the Electronic Comment Filing System for inclusion in the public record of the above-reference proceeding. Should you have any questions regarding this presentation, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand
Paul J. Sinderbrand

Counsel to the Wireless Communications
Association International, Inc.

cc: Fred Campbell
John Giusti
Bruce Gottlieb
Barry Ohlson
Aaron Goldberger
Catherine Seidel
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⁷ See WCA Petition at 45-46.