

BellSouth D.C., Inc.
Suite 900
1133 - 21st Street NW
Washington, DC 20036-3351

jeanine.poltronieri@bellsouth.com

Jeanine A. Poltronieri
Vice President
Federal Regulatory

202 463 4189
Fax 202 463 4142
Cell 202 997 1034

June 28, 2006

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, D.C. 20554

RE: WT Docket No. 06-102, IB Docket No. 95-91

Dear Ms. Dortch:

On June 27, 2006, BellSouth representatives met with Fred Campbell, of Chairman Kevin Martin's office, to discuss pending matters regarding WCS spectrum. BellSouth was represented by Mel Levine and Douglas O'Neil of BellSouth, Steve Coran of Rini and Coran and the undersigned.

Copies of the attached document served as a basis for discussion.

Pursuant to the Commission rules, please include a copy of this notice and attachment in the record of the proceedings listed above.

Sincerely,



Jeanine Poltronieri

cc: Fred Campbell



June 27, 2006

Grant of WCA Coalition's Request for Extension of Substantial Service Deadline Will Ensure Deployment of Service in 2.3 GHz

Background:

- **BellSouth has led trials and deployment in 2.3 GHz. Equipment being used utilizes proprietary "pre-WiMax" technology.**
- BellSouth holds 41 WCS licenses
 - 29 A and B Block licenses (5x5 MHz)
 - 12 C and D Block licenses (5 MHz)
- BellSouth began testing WCS platforms in 2000 and in September 2005 launched its first non-trial broadband system in Palatka, Florida, a rural market beyond the reach of DSL. Since then, BellSouth has deployed in Deland, FL and portions of New Orleans, LA, Gulfport, MS, and Biloxi, MS.
- In these cases, communities were chosen where interference from DARS repeaters would not be an issue or deployment was necessary for disaster relief.

Waiver Request:

- *Uncertainty over long-pending WCS/DARS repeater interference rules and disposition of existing repeaters has prevented deployment of a commercially viable business on a wide-scale basis.*
 - Uncertainty on where terrestrial repeaters are deployed, technical parameters of repeaters and locations where repeaters may be deployed in the future increases potential for interference and creates risk that consumer confidence will be undermined by inferior and unreliable service quality.
- *Nature and scope of terrestrial repeaters has changed since the WCS auction to create greater interference and business risks for WCS licensees.*
 - Record indicates that high power 40 kW repeaters would cause interference to a far larger area than 2 kW repeaters first proposed.
 - Location and power of repeaters affects power, throughput, and filtering requirements of WCS CPE, which in turn affects design, cost and size of CPE.
- *Grant of waiver would be consistent with precedent and policy.*
 - FCC has suspended construction/service requirements where pending rules were "inextricably linked" to construction requirements (IVDS) – rules will affect WCS planning and deployment, and WCS licensees cannot be expected to construct commercially viable systems in the meantime.
 - FCC has recognized imprudence of requiring licensees to operate "obsolete" or "stopgap" business solely to meet regulatory requirements (BRS/EBS and 900 MHz) – additional WCS facilities are "stopgap" deployments that will be obsolete as soon as non-proprietary equipment can be manufactured.

Grant of the waiver is the best way to ensure wireless broadband deployment in this band.