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September 20, 2006

EX PARTE

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

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

Dear Ms. Dortch:

On September 19, 2006, BellSouth representatives met with representatives of the FCC International Bureau and the Office of Engineering and Technology in separate meetings to discuss pending matters regarding WCS spectrum. The International Bureau was represented by John Giusti, Stephen Duall, Robert Nelson, Gardner Foster, Richard Engelman, and Shabnam Javid. The Office of Engineering and Technology was represented by Julius Knapp, Gerry Matise and Ira Keltz. BellSouth was represented by Mel Levine, Neale Hightower, Sr. 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 the attachment in the docket identified above.

Sincerely,


Jeanine Poltronieri

Attachment

Cc: John Giusti
Stephen Duall
Robert Nelson
Gardner Foster
Richard Engelman
Shabnam Javid

Julius Knapp
Geraldine Matise
Ira Keltz



September 19, 2006

**Grant of WCS 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 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 areas including Deland, FL and portions of New Orleans, LA, Gulfport, MS, and Biloxi, MS.
- As part of Hurricane Katrina restoration efforts, BellSouth now has wireless broadband coverage over 140 square miles in New Orleans.
- 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.
 - WCS/DARS now have real world experience with equipment performance and interference, so progress can be made on technical solutions.
- *Grant of waiver is best way to ensure that 2.3 GHz band is utilized in the public interest.*
 - Grant of waiver allows for deployment of standardized WiMax equipment for wireless broadband services rather than continued use of proprietary equipment.
 - Reasonable rules can be established for WCS/DARS services to allow for use of all WCS channels.
- *Grant of waiver would be consistent with precedent and policy.*
 - 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 and 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. Since capital expenditures decisions for 2007 are being made now, a timely FCC decision granting a three year extension will help ensure deployment based on WiMax technology to meet consumer needs.