

October 26, 2006

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

Re: *Request of WCS Coalition for Limited Extension of Deadline for Establishing Compliance with Section 27.14 Substantial Service Requirement - WT Docket No. 06-102*

NOTICE OF ORAL EX PARTE COMMUNICATION

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am writing to advise the Commission that yesterday George Alex of Nextwave Broadband Inc., Ron Olexa of Horizon Wi-Com, LLC, David Don of Comcast Corporation, Trey Hanbury of Sprint Nextel Corporation, Andrew Kreig of the Wireless Communications Association International, Mary O'Connor and the undersigned of Wilkinson Barker Knauer LLP met with Barry Ohlson, Legal Advisor to Commissioner Jonathan S. Adelstein to discuss the request of the WCS Coalition for a limited extension of the deadline for 2.3 GHz band Wireless Communications Service ("WCS") licensees to comply with the substantial service requirement of Section 27.14 of the Commission's Rules.

At the meeting, the positions set forth in the WCS Coalition's Request and its Reply Comments in WT Docket No. 06-102 were reiterated.¹ The WCS Coalition emphasized the need for a prompt decision, as licensees are beginning to spend significant sums to assure that they will be able to construct facilities that comply with Section 27.14 by the current July 21, 2007 deadline. It was stressed that although most licensees desire to deploy WiMAX 802.16-2005 and other advanced wireless services for which standardized equipment will be available shortly, absent a decision soon licensees will be irrevocably committed to constructing sub-optimal facilities that will meet the substantial service requirement, but will not make the best use of the spectrum. The participants also discussed the history of the Commission's consideration of Digital Audio Radio Service ("DARS") terrestrial repeaters and the adverse impact that the

¹ See *Public Notice*, "Wireless Telecommunications Bureau Seeks Comment on Consolidated Request by the WCS Coalition for Waiver of [WCS] Construction Rule," DA 06-1009 (rel. May 10, 2006). See Also Reply Comments of WCS Coalition, WT Docket No. 06-102 (filed June 23, 2006).

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failure to establish rules governing those repeaters has had on WCS utilization. The WCS parties stressed that absent final WCS and DARS technical rules, it would be premature to modify the Part 27 substantial service safe harbors. They also emphasized that any licensee that meets the existing safe harbors for WCS substantial service by the current buildout deadline of July 21, 2007 should be deemed to have satisfied its substantial service obligation.

Should you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

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Counsel for the WCS Coalition

cc: Barry Ohlson