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November 30, 2006

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: WT Docket Nos. 96-86, 06-150 and 06-169
Ex Parte Notice

Dear Ms. Dortch:

On November 29, 2006, Michael Gottdenker, Andrew Rein and the undersigned on behalf of Access Spectrum, LLC, and Mark Pagon, Cheryl Crate and Kathy Wallman on behalf of Pegasus Communications Corporation met separately with John Branscome, legal advisor to Commissioner Copps; Fred Campbell, legal advisor to Chairman Martin; Aaron Goldberger, legal advisor to Commissioner Tate; and Barry Ohlson, legal advisor to Commissioner Adelstein;

On the same day, Mr. Gottdenker, Mr. Rein, the undersigned, Mr. Pagon, Ms. Crate and Ms. Wallman, as well as Mark Crosby on behalf of Access Spectrum, met with Angela Giancarlo, legal advisor to Commissioner McDowell.

On the same day, Mr. Gottdenker, Mr. Rein, the undersigned, Mr. Pagon, Ms. Crate and Ms. Wallman, as well as Paul Kolodzy on behalf of Pegasus, met with Linda Chang, Paul D'Ari, Martin Liebman, Tim Maguire, Cathleen Massey, Paul Moon and Catherine Seidel of the Wireless Telecommunications Bureau and Jeff Cohen, Thomas Eng, John Evanoff, Zenji Nakazawa, Dana Shaffer and Michael Wilhelm of the Public Safety & Homeland Security Bureau.

During each meeting, Access Spectrum and Pegasus urged the Commission to adopt the Broadband Optimization Plan and the Commercial 700 MHz Plan proposals in the above-referenced proceedings. The enclosed slides were discussed during the meeting.

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Pursuant to the Commission's rules, this letter is being submitted for inclusion in the public record in the above-referenced proceedings.

Sincerely,

/s/ Ruth Milkman
Ruth Milkman

Enclosure

cc: John Branscome
Fred Campbell
Linda Chang
Jeff Cohen
Paul D'Ari
Thomas Eng
John Evanoff
Angela Giancarlo
Aaron Goldberger
Martin Liebman
Tim Maguire
Cathleen Massey
Paul Moon
Zenji Nakazawa
Barry Ohlson
Catherine Seidel
Dana Shaffer
Michael Wilhelm

Optimizing the Upper 700 MHz Band

November 2006

A “once-in-a-generation” opportunity

- The 700 MHz band is enormously important
 - It is critical to the enhancement of U.S. broadband development
 - 4G technologies are emerging that will provide wireless users with applications that have a quality of service comparable to today’s wireline networks
 - The emergence of meaningful competition for all aspects of 4G, including access to networks, applications and services is essential
 - It is the only meaningful swath of “clean” spectrum below 1 GHz
 - Propagation characteristics dramatically improve the economics for operators and the service quality for users, particularly in non-urban areas
 - Following DTV transition, the spectrum will be pristine with no encumbrances
 - As the last significant broadband spectrum on the horizon, the 700 MHz band represents the final opportunity to set the stage for U.S. global leadership in 4G
 - The adjacency of commercial and public safety allocations enables meaningful cooperation to begin to address public safety’s need for nationwide interoperability

- The manner in which the FCC addresses this important opportunity will determine whether the United States develops truly robust and ubiquitous wireless broadband services and applications for BOTH commercial and public safety users

The Access Spectrum/Pegasus plan

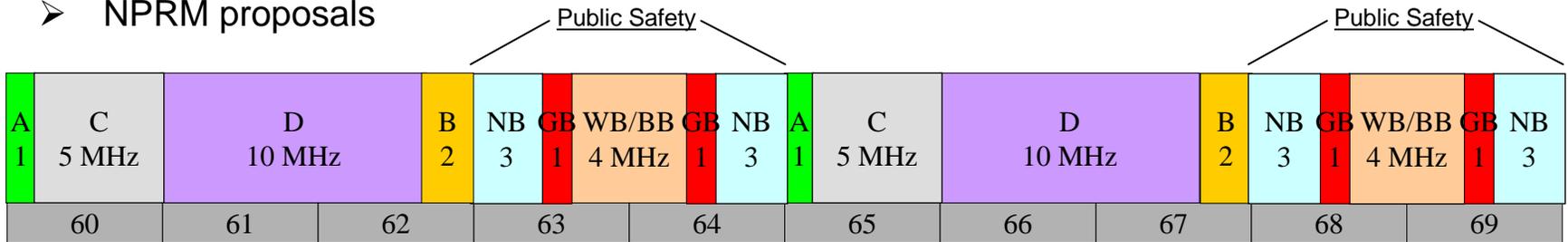
- The Access Spectrum/Pegasus (“ASL/PG”) plan was designed to achieve the following public policy goals:
 - Enhance U.S. broadband development and promote U.S. global leadership by maximizing technology options
 - Leverage commercial deployment to lower costs for Public Safety
 - Use all available spectrum efficiently
 - Enable new broadband entrants

- It is the only plan that addresses each of these goals thereby enabling the FCC to seize this opportunity

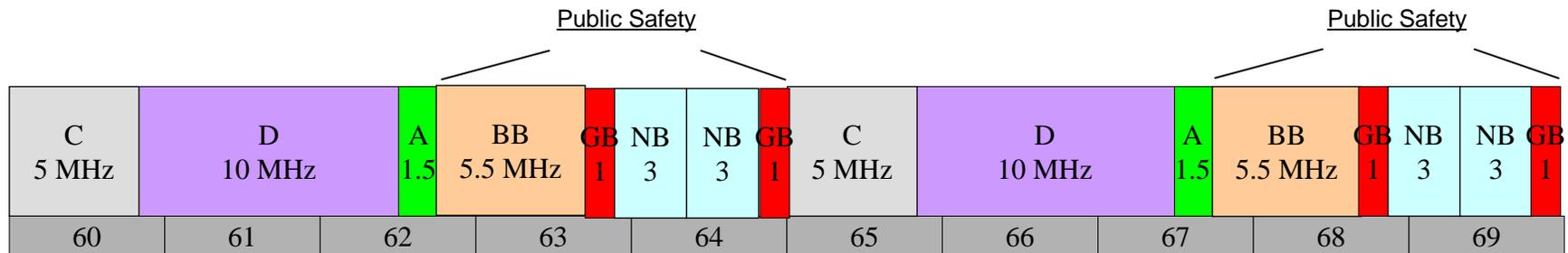
- The band plans on the following slides illustrate how

Re-configuring the public safety allocation

➤ NPRM proposals



➤ The Broadband Optimization Plan



- Consolidate the narrowband spectrum at the top of the public safety allocation
- Contribute three of the four MHz from the B Block to public safety for internal guard bands used to separate narrowband/wideband from public safety and/or commercial broadband
- Contribute the remaining one MHz from the B Block to the A Block, move the A Block to the lower end of the public safety block and ensure cooperative technical rules are in place to foster public-private partnerships and enable fully viable commercial broadband operations throughout the commercial allocation

The Broadband Optimization Plan

- Public safety benefits
 - Allows a broader array of broadband technologies
 - Increases broadband capacity while maintaining the narrowband voice allocation
 - Grants public safety control of and flexibility with respect to its guard bands
 - Facilitates public safety/commercial broadband partnerships and the Commercial 700 MHz Plan on the following pages
 - Permits the use of tighter filters in future narrowband radios which results in improved performance and enhanced resistance to interference

- Status
 - The major technical issues related to public safety's consolidation of its narrowband allocation have been addressed
 - Consensus has been developed among major public safety associations (NPSTC, APCO, IACP, IAFC, NARPC), regional planning committees and other public safety entities (e.g., the State of New York)
 - There is considerable commercial support (Intel, Motorola, Northrop Grumman)

The Broadband Optimization Plan: next steps

➤ Proponents of the Broadband Optimization Plan

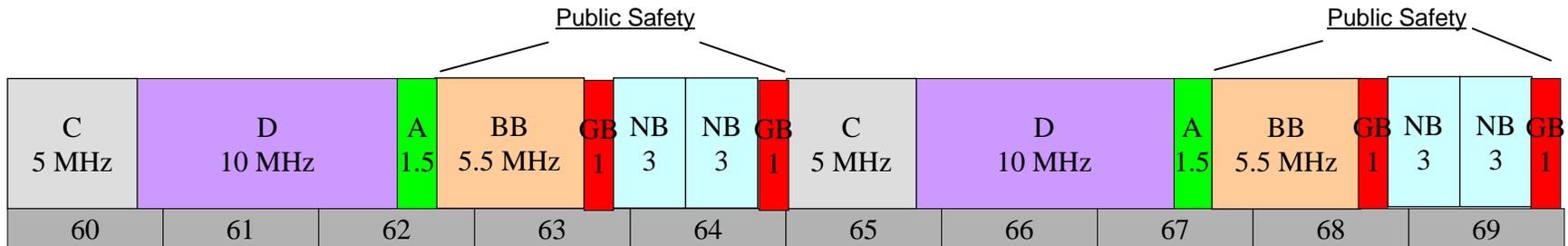
- Currently working to finalize recommendations regarding technical rules governing the interface between public safety and commercial broadband operations in such as way as to
 - Protect public safety operations
 - Facilitate public-private partnerships
 - Ensure fully viable commercial broadband throughout the commercial allocation

➤ FCC

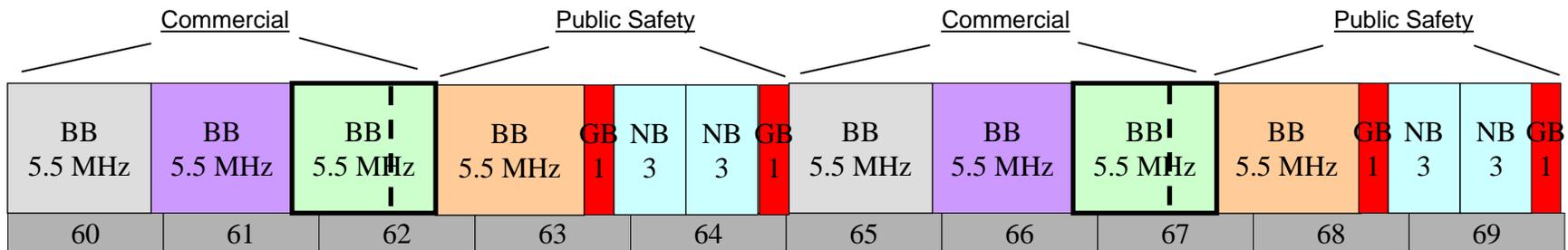
- In order to permit the public safety community to move forward with deployments and planning, the FCC should adopt the Broadband Optimization Plan, in its entirety, immediately following receipt and review of the proposed technical rules

Reconfiguring the commercial allocation

➤ The Broadband Optimization Plan



➤ The Commercial 700 MHz Plan



- Re-organize 16.5 MHz of paired commercial spectrum into 5.5 MHz “building blocks” to ensure operators have multiple technology choices and to harmonize the commercial and public safety allocations to enable public safety to benefit from economies of scale
- Issue auction rules (i.e., “package bidding”) that enable the aggregation of spectrum blocks and geographic areas to ensure substantial and viable deployments and to prevent “blockers” from discouraging new entrants
- Create bidding preference for auction winners of the spectrum adjacent to the public safety allocation in exchange for allowing public safety free access to their infrastructure that is worth more than \$6 billion to the public safety community

The Commercial 700 MHz Plan

- Enhances U.S. broadband development and promotes U.S. global leadership by maximizing technology options, usable capacity and spectral efficiency
 - 5.5 MHz “building blocks” maximize the capacity available for use for all of the leading broadband technologies

- Facilitates the emergence of substantial and viable new entrants by using well-crafted auction rules such as package bidding to enable the market to determine the highest and best use for the spectrum

- Leverages commercial deployment to lower costs for the public safety community by
 - Harmonizing the commercial and public safety allocations to enable public safety to benefit from commercial economies of scale
 - Creating cooperative technical rules to foster the development of public-private partnerships
 - Conferring a benefit worth more than \$6B on the public safety community by providing incentives for commercial operators to grant public safety free access to their network infrastructure as well as priority access in times of emergency

Conclusions

- Seizing this opportunity to optimize the Upper 700 MHz band for both commercial and public safety users is critical to the future of U.S. broadband for decades to come
 - Enable robust 4G deployments by maximizing technological flexibility and encouraging new entry
 - Considerably enhance public safety broadband communications

- A full record has been developed, the public policy benefits are clear and the goal that unites the commercial/public safety interests is the need for prompt action so as to
 - Not delay the Congressionally-mandated auction
 - Permit adequate time for planning prior to the DTV transition

- The FCC can remove the overriding concern that all parties share by moving quickly on these three, interrelated proceedings in a coordinated fashion
 - In order to permit the public safety community to move forward with deployments and planning, the FCC should adopt the Broadband Optimization Plan, in its entirety, immediately following receipt and review of the proposed technical rules
 - This will help allay concerns regarding the timing of FCC action and clear the way for adoption of the Commercial 700 MHz plan