

LAWLER, METZGER, MILKMAN & KEENEY, LLC

2001 K STREET, NW
SUITE 802
WASHINGTON, D.C. 20006

RUTH MILKMAN
PHONE (202) 777-7726

PHONE (202) 777-7700
FACSIMILE (202) 777-7763

January 9, 2007

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 January 8, 2007, 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 with Commissioner Adelstein and his legal advisor, Scott Bergmann. 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.

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: Commissioner Adelstein
Scott Bergmann

Optimizing the Upper 700 MHz Band

January 2007

Introduction

- The Commission should adopt the Broadband Optimization Plan immediately
- Adoption of the Broadband Optimization Plan is a necessary precursor to consideration of the important public safety broadband licensing decisions identified in the most recent NPRM
- The Broadband Optimization Plan is also a necessary precondition to reconfiguration of the commercial spectrum that enables nationwide broadband for public safety, facilitates the creation of a viable third channel, and opens the door to 4G technologies

What is the Broadband Optimization Plan?

- The Broadband Optimization Plan reorganizes the public safety and guard band spectrum to confer the maximum benefits possible to public safety within the existing statutory framework
 - Allows a broader array of broadband technologies
 - Increases broadband capacity while maintaining spectrum for narrowband applications such as voice
 - Facilitates public safety/commercial broadband partnerships

- Public safety supports prompt adoption of the Broadband Optimization Plan

- The FCC should adopt the Broadband Optimization Plan immediately in order to:
 - Properly consider the newest NPRM that deals with national licensing for public safety broadband
 - Permit the public safety community to move forward with deployments
 - Enable the commercial allocation to be optimized

How should the commercial allocation be optimized?

- The Commercial 700 MHz Plan reorganizes the commercial allocation and given the additional 3 MHz of commercial broadband spectrum made possible by the adoption of the Broadband Optimization Plan
 - Enhances U.S. broadband development and promotes U.S. global leadership by maximizing technology options, usable capacity and spectral efficiency
 - Facilitates the emergence of substantial and viable new entrants by using well-crafted auction rules such as package bidding
 - 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

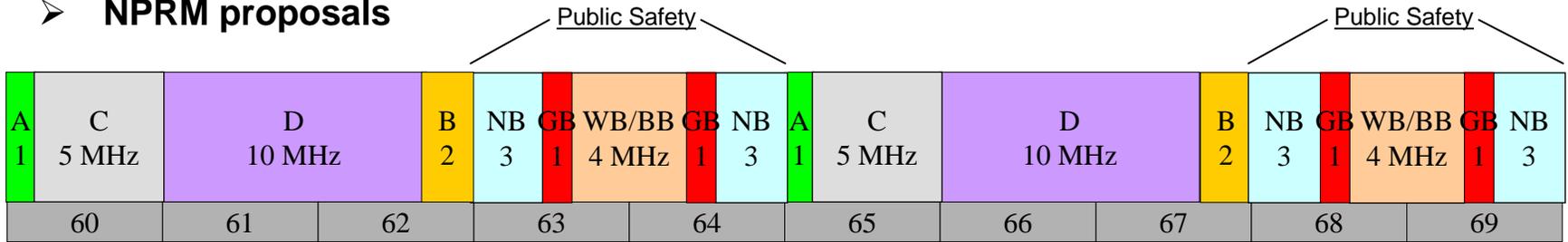
Conclusion

- The 700 MHz band is enormously important to the future of U.S. broadband development and the manner in which the FCC addresses this opportunity will have tremendous implications for the coming decades
- The status quo will result in more of the same – no viable broadband for public safety, no third channel, more 3G, failure to maximize opportunities for 4G
- The FCC has an opportunity to rectify this by re-configuring the Upper 700 MHz band to
 - Enhance U.S. broadband development and promote U.S. global leadership by maximizing technology options, usable capacity and spectral efficiency
 - Facilitate the emergence of substantial new entrants by using well-crafted auction rules
 - Leverage commercial development to lower costs for public safety
 - Liberate 6 MHz of under-utilized “guard band” spectrum, thus adding 3 MHz of usable, broadband spectrum to both the public safety and commercial allocations
- If these changes are made, the FCC will enable nationwide broadband for public safety, facilitate the creation of a viable third channel, and open the door to 4G technologies

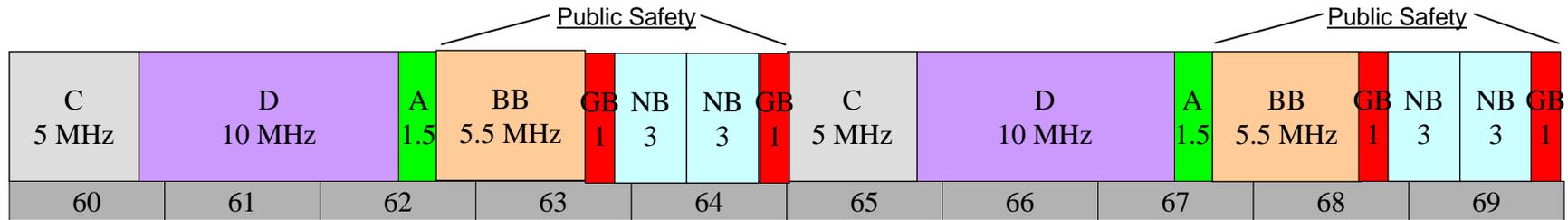
Appendix

The proposal

➤ NPRM proposals



➤ Re-configuring the public safety allocation – the Broadband Optimization Plan



➤ Re-configuring the commercial allocation – the Commercial 700 MHz Plan

