

# Aloha Partners, L.P.

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## *Via Hand Delivery*

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

### **Re: WT-Docket No. 06-169 Ex Parte Presentation**

Dear Ms. Dortch:

I write on behalf of Aloha Partners, L.P. ("Aloha") in order to urge the Commission not to adopt the Broadband Optimization Plan ("BOP"). Aloha's reasons for such urgings, which largely parallel those of Verizon Wireless ("Verizon") and AT&T, Inc. ("AT&T"), are set forth below.

Aloha is the nation's largest 700 MHz licensee. It holds licenses that cover over 60% of the United States population, and that include more than 80% of the nation's largest markets. It has paid for all licenses that it acquired through actions, in full and on time. It expects to participate in the upcoming action in a meaningful way.

There are technical, legal and policy reasons why the BOP should not be adopted. Technical issues are of the foremost concern to Aloha. It is uncontested that the BOP eliminates the one MHz A Guard Band that separates Aloha's Lower 700 MHz C Block spectrum from the Upper 700 MHz C Block spectrum. Without question, that guard band was established to protect against interference. Its removal increases the risk of interference between those bands. Licensees in them who may now properly rely on the A Block guard band license to limit or reduce such interference will be forced to create a substitute guard band consisting of "internal" spectrum that would be otherwise available for commercial use (and which, in the case of Aloha, the licensee has already bought and paid for).

As AT&T recently advised the Commission, interference concerns will be particularly heightened when carriers that are licensed in immediately adjacent bands utilize different access technologies. *See* AT&T ex parte presentation in WT-Docket No. 06-169, dated February 23, 2007. It would also be heightened where certain carriers operate over relatively high power and others over relatively limited power. Verizon has also observed and commented upon the same interference concerns in the technical white paper that Verizon submitted in this proceeding on February 15, 2007. There, it was observed that the change proposed in the BOP "would substantially increase the risk of interference to public safety and commercial licensees and reduce, not increase, spectral efficiency in the 700 MHz band."

The Commission's prior determination to establish a guard band reflects considerable concern about the potential interference discussed above. That may be susceptible to being remedied. And that may be similar in kind to other existing risks. Regardless, it is a meaningful, additional interference risk that existing licensees should not have to address, and most certainly licensees should not have to apply portions of their existing spectrum in order to protect against it. The guard band licensees who propose the BOP (collectively, "Access Spectrum") appear to recognize the potential for interference and seemingly rely entirely upon existing power flux density ("PFD) rules to provide protection against it. Yet there is considerable controversy regarding whether PFD rules will protect against the "near-far" threat of interference, especially when one carrier operates at a high power and another, adjacent carrier at a much lower power – and particularly in view of the fact that PFD rules are simply one part of

