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May 14, 2007

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 05-62
Ex Parte Communication

Dear Ms. Dortch:

This Enterprise Wireless Alliance ("EWA") communication responds to a May 3, 2007, *ex parte* letter submitted by the National Public Safety Telecommunications Council ("NPSTC"), and a May 3, 2007, *ex parte* presentation made by Sprint Nextel in the above referenced proceeding.

EWA Response to NPSTC Filing

In an *ex parte* letter dated May 3, 2007, NPSTC expanded upon its previous request that channels in the Business and Industrial/Land Transportation ("B/ILT") bands at 896-901/935-940 MHz be made available to public safety agencies for digital paging operations. It now urges that at least 10 frequencies throughout the United States that conform to existing paging operations be paired to provide five 25 kHz channels and reserved for public safety digital paging operations.

EWA is on record supporting non-waiver access to the 900 MHz B/ILT bands for use by public safety entities that require a wireless messaging capability for emergency medical purposes, typically between commercial /fire and rescue ambulance services and medical institutions. It is EWA's opinion that such applications could be accommodated in areas where spectrum capacity exists and the paging operation can conform to the licensing, operational and regulatory rules governing B/ILT use. EWA still supports this approach. EWA



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does not support, however, this more aggressive NPSTC proposal to effectively reallocate, by “specific commitment,” critical B/ILT spectrum for public safety use.

As an initial matter, even a casual review of the FCC’s database would reveal that such a nationwide reallocation is not possible given the level of existing use by enterprise and commercial licensees. There is no 900 MHz B/ILT capacity available in and around the urban centers where large-scale digital paging operations are most likely to be needed. Thus, even if NPSTC’s reallocation from B/ILT to public safety request was warranted, it is simply not achievable. Moreover, NPSTC has not provided any information to support a claim that public safety digital paging needs are greater than incumbent 900 MHz B/ILT systems and are not able to be accommodated in bands already allocated for public safety use or on commercial paging spectrum. Absent a showing of demonstrable need for an exclusive public safety allocation in the B/ILT 900 MHz band, the NPSTC request to repurpose B/ILT spectrum for more restrictive public safety use only has a significant likelihood of producing a spectrally inefficient result. Given the amount of digital paging that can be accommodated on a 25 kHz bandwidth channel, it is improbable that multiple systems would be needed in the markets in which 900 MHz B/ILT channels are available. Yet, grant of NPSTC’s request would mean those channels would be unavailable for eligible B/ILT entities even if not needed for public safety paging purposes. In fact, the reallocation proposal submitted by NPSTC essentially reduces the potential to secure channels for digital paging solutions on a market-by-market basis as it is not possible to identify a single block of channels for exclusive public safety use. Under the licensing approach advocated by EWA, at least the opportunity to identify channel capacity on a market-by-market basis for emergency paging operations is a potential reality.

NPSTC did not and would be hard pressed to demonstrate that their emergency response digital paging requirements can be satisfied only on 900 MHz B/ILT channels. Absent such a demonstration, the FCC should reject NPSTC’s request for a “specific commitment” as overreaching, unsubstantiated and spectrally inefficient for all concerned. The FCC should provide that opportunity through the normal licensing process.

EWA Response to Sprint Nextel Filing

In its filing on May 3, 2007, Sprint Nextel Corporation (“Sprint Nextel”) once again proffered its view that a near term auction would enable it to integrate newly purchased white space spectrum into its iDEN operations rapidly, along with its previously acquired 900 MHz B/ILT channels. It stated that this would provide necessary “green space” to better enable it to surrender spectrum capacity on its 800 MHz network and facilitate the thousands of public safety licensee moves necessary to make 800 MHz band reconfiguration possible.



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Sprint Nextel further noted that a lifting of the 900 MHz “freeze” without an auction would impair its ability to complete 800 MHz band reconfiguration as quickly as the Commission desires.

In previous filings, EWA has noted that conducting a “white space” auction to accommodate a temporary “green space” requirement is unnecessary. First, a nationwide auction would extend beyond Sprint Nextel’s current coverage capabilities. Further, Sprint Nextel itself has noted that not all 900 MHz B/ILT channels can be integrated within its iDEN infrastructure, and the additional capacity that Sprint Nextel requires for its own network operations is limited to only certain geographic areas where “green space” capacity is absolutely necessary. To accommodate this latter requirement, Sprint Nextel has sought and has been granted a number of Special Temporary Authority (“STA”) applications in targeted markets where their existing capacity may be insufficient to address their network requirements *during the 800 MHz reconfiguration process*. Thus, Sprint Nextel’s specific “green space” requirements that are necessary only in a handful of geographic areas are being accommodated through alternatives that do not require the FCC to conduct a “white-space” auction.

EWA is also aware from numerous discussions with 900 MHz B/ILT incumbents that Sprint Nextel’s appetite for acquiring additional 900 MHz capacity is waning significantly, and that the current preferred spectrum access method is through either spectrum swaps or spectrum lease agreements of limited duration. This information seems to contradict Sprint Nextel statements that it continues to “acquire hundreds of Business/Industrial Land Transportation site-based licenses.”

EWA also takes exception to Sprint Nextel’s implied premise that failure to conduct a “white space” auction will somehow serve to delay 800 MHz reconfiguration. No one doubts the importance of 800 MHz reconfiguration for incumbent public safety, B/ILT entities, communication service providers and for Sprint Nextel. However, as any 800 MHz incumbent may attest, failure to conduct a “white space” auction for the purpose of securing “green space” in a handful of markets where other spectrum access approaches are addressing Sprint Nextel’s requirements cannot in any way be identified as a contributing factor to current or future 800 MHz reconfiguration delays.

Finally, EWA agrees with Sprint Nextel that the CMRS industry’s electronic notification website that alerts all CMRS carriers within 5000 feet of interference complaints is a worthwhile mechanism. Contrary to the assumption in Sprint Nextel’s letter, it is not our intention to have Sprint Nextel become responsible for notifying other carriers in the event of



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900 MHz interference problems. Rather, the CMRS-B/ILT notification process would continue to work as it now does with all potentially involved carriers being notified of the complaint.

However, assuming the FCC issues an Order that elects not to proceed with a needless nationwide "white space" auction, and instead lifts the 900 MHz B/ILT band licensing freeze, B/ILT eligible entities again will have access to this much-needed spectrum. In what EWA hopes is the unlikely event that B/ILT-to-B/ILT interference problems then arise in this band, the constituencies represented by B/ILT organizations would be better served through an interference notification process managed by those organizations rather than filing through the CMRS electronic website. We assume that Sprint Nextel should have little concern if B/ILT representative organizations are willing to invest in their own notification process as long as all CMRS carriers are notified through the existing procedures.

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The Commission should reject NPSTC's request for a separate allocation within the B/ILT 900 MHz band dedicated exclusively for public safety paging systems. There is no supportive NPSTC documentation affirming that paging solutions cannot be accommodated in the many alternative public safety-only or commercial paging bands. If the public safety community seeks access to the 900 MHz B/ILT bands for emergency paging operations, it must accept the long-standing, well-proven application and licensing protocols that apply to B/ILT spectrum in this band.

A nationwide 900 MHz B/ILT "white space" auction is not warranted to provide Sprint Nextel with access to adequate "green space" necessary to accommodate its internal network capacity requirements during the 800 MHz reconfiguration process. A decision not to hold a "white space" auction will not contribute to 800 MHz reconfiguration delays, delays which have been addressed by a number of parties and which are attributable to factors entirely unrelated to a 900 MHz auction.

Pursuant to Section 1.1206(b) of the Commission's Rules, 47 C.F.R., this letter is being filed electronically for inclusion in the public record of this proceeding.

Respectfully submitted,

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President



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