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July 3, 2007

Via Electronic Filing

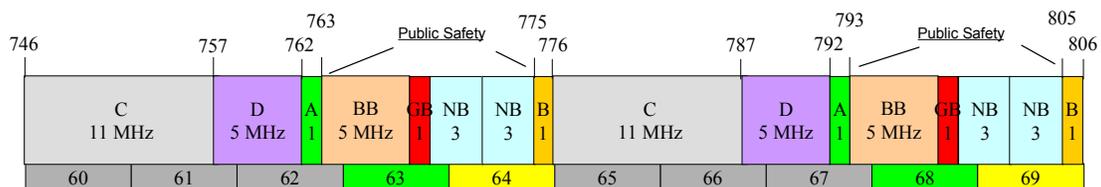
Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket Nos. 96-86, 06-150, and 06-169; PS Docket No. 06-229
Written Ex Parte Communication

Dear Ms. Dortch:

The undersigned, on behalf of Access Spectrum, LLC, hereby explains the goals and objectives of the option variant structure proposed in the May 23, 2007 comments filed by Access Spectrum, *et al.*¹ This option variant is designed to be implemented with Band Plan 3, 4 or 5 though Access Spectrum strongly urges the Commission to adopt Band Plan 3 (see picture below).

BAND PLAN 3



¹ Comments of Access Spectrum, LLC; Dominion 700, Inc.; Harbor Guardband, LLC; and Pegasus Communications Corporation, WT Docket Nos. 96-86, 06-150, and 06-169 and PS Docket No. 06-229, at 16 and Appendix A (filed May 23, 2007).

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The option variant is designed to achieve three public policy goals while also accommodating certain constraints related to Access Spectrum's existing customers. First, it guarantees the D Block licensee the ability to obtain 6 MHz paired in all desired geographies. Second, it gives the A Block licensee flexibility to determine whether it would like to sell or retain spectrum. Third, it allows the Commission to achieve the first two public policy goals while not requiring any changes to the Commission's auction software. Finally, Access Spectrum has certain obligations to customers of its 700 MHz spectrum, including a limited right of first refusal held by one customer on all of Access Spectrum's 700 MHz spectrum. This limited right of first refusal is exercisable under certain restricted conditions during the start-up phase of the customer's business, and it must be exercised within a period that varies from 14 days to 60 days of Access Spectrum's receipt of a bona fide offer, with the response period depending on the specific circumstances. The option variant allows the Commission to guarantee that the D Block licensee will be able to obtain 6 MHz paired in every region of the country while allowing Access Spectrum to comply with its customer contracts.

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

Sincerely,

/s/ Ruth Milkman
Ruth Milkman

cc: Fred Campbell
Cathleen Massey
Erika Olsen