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July 24, 2007

Via Electronic Filing

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

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

Dear Ms. Dortch:

On July 24, 2007, Andrew Rein and the undersigned, on behalf of Access Spectrum, LLC, spoke by telephone with Richard Arsenault and Paul Moon of the Wireless Telecommunications Bureau. Access Spectrum discussed its existing customer agreements that would be affected if the Commission were to adopt a band plan that requires the Upper 700 MHz spectrum re-packing discussed in the above-referenced dockets. As required by the Commission, the specifics of that discussion are set forth below.

Access Spectrum maintains customers with operations on its Upper 700 MHz A Block licenses in 6 MEAs, specifically MEA020 (customer in Minnesota); MEA026 (customer in Memphis); MEA032 (customer in Dallas-Ft. Worth); MEA037 (customer in Oklahoma City); MEA044 (Access Spectrum's customer operates in Las Vegas only); and MEA052 (customer in the Gulf of Mexico).

The spectrum use agreement ("SUA") for MEA032 (Dallas) expires on August 31, 2008 and the SUA for MEA052 (Gulf of Mexico) expires on April 11, 2008. Access Spectrum does not intend to renew the SUAs in MEA032 and MEA052 in their current spectral locations. Therefore, Access Spectrum requests that it be permitted to maintain its primary status on its current Upper 700 MHz A Block frequencies in MEA032 and MEA052 until the Upper 700 MHz C Block is awarded. Access Spectrum also requests that it be permitted to operate on its current Upper 700 MHz A Block frequencies in MEA032 through August 31, 2008 and MEA052 through April 11, 2008 on a secondary basis after the Upper 700 MHz C Block is awarded to accommodate customer operations on those frequencies.

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Access Spectrum's customers maintain relatively modest systems in MEA026, MEA037, and MEA044. Therefore, Access Spectrum requests that it be permitted to maintain its primary status on its current Upper 700 MHz A Block frequencies in MEA026, MEA037 and MEA044 until the Upper 700 MHz C Block is awarded. Access Spectrum expects that the relocation of these systems to new frequencies pursuant to the spectrum re-packing agreement that it proposed will be accomplished expeditiously after the Commission type-accepts the equipment in use for its new spectral location.

The user of Access Spectrum's Upper 700 MHz A Block frequencies in MEA020 is a critical infrastructure industry entity with a complex system in place. Its relocation to new frequencies could require a period of twelve months after an order is released in the above-captioned dockets (and possibly longer if complications arise). Therefore, given the importance and complexity of this customer's system, Access Spectrum requests that it be permitted to maintain primary status on its current Upper 700 MHz A Block frequencies in MEA020 until the Upper 700 MHz C Block is awarded. Access Spectrum also requests that after the Upper 700 MHz C Block is awarded, it be permitted to operate on its current Upper 700 MHz A Block frequencies in MEA020 on a secondary basis until the DTV transition date (February 17, 2009).¹ The Upper 700 MHz C Block license holder for MEA020 should be required to provide Access Spectrum with reasonable notice (*i.e.*, at least 30 days) prior to commencing operations (to provide Access Spectrum's customer with the opportunity to effect a smooth transition to new frequencies) while Access Spectrum is operating on those frequencies on a secondary basis. In any case, Access Spectrum will promptly notify the Commission and the Upper 700 MHz C Block licensee in MEA020 when it has entirely vacated the spectrum. Adopting this transition schedule would permit Access Spectrum's customer in MEA020 to accomplish the necessary spectral relocation without compromising its mission-critical operations.

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

Sincerely,

/s/ Gunnar Halley
Gunnar Halley

cc: Richard Arsenault
Paul Moon

¹ 47 U.S.C. § 309(j)(14)(A), as amended by the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4, § 3002 (2006).