PATTON BOGGS LLP
ATTORNEYS AT LAW

2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

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Jennifer L. Richter
(202) 457-5666
jrichter@pattonboggs.com

VIA ELECTRONIC FILING

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

Re: ***Ex Parte* Notice**
Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band
IB Docket No. 95-91, GEN Docket No. 90-357, RM-8610

Dear Ms. Dortch:

On September 13, 2007, NextWave Wireless Inc., on behalf of itself and its wholly-owned subsidiaries NW Spectrum Co. and WCS Wireless License Subsidiary, LLC (collectively, "NextWave"), met with Commissioner Deborah Taylor Tate and her Acting Advisor Wayne Leighton. NextWave's representatives at the meeting were Chief Executive Officer Allen Salmasi, Jennifer McCarthy, Vice President of Regulatory Affairs, and Jennifer Richter, counsel from Patton Boggs, LLP.

NextWave emphasized to the Commissioner the immediate need for the International Bureau and the Wireless Telecommunications Bureau ("WTB") to initiate a joint rulemaking to adopt final technical rules for the Satellite Digital Audio Radio Service ("SDARS") and the adjacent Wireless Communications Service ("WCS"). WCS and SDARS spectrum was allocated and licensed over 10 years ago, but has been without final technical rules governing coexistence. As a consequence, 30 MHz of valuable WCS spectrum, that can be used to provide needed wireless broadband services across the country, especially in rural and underserved areas, has largely lain fallow. In addition, SDARS licensees, XM and Sirius, have deployed a nationwide network of terrestrial repeaters under Special Temporary Authority ("STA") for 6 years; STAs are ordinarily reserved for short term use not to exceed 6 months.

Detailed recommendations for final technical rules governing coexistence of WCS and SDARS were filed with the Commission by Sirius[1] and the WCS Coalition.[2] Final technical rules are needed so that WCS vendors can begin manufacture of suitable WCS equipment, and WCS licensees can begin to design and implement networks. Because of the regulatory and technical uncertainty to which WCS licensees are subject, the WTB granted a three-year extension of time, to July 21, 2010, within which to demonstrate substantial service.[3] NextWave is grateful for the extension. However, each day that passes without adopting final technical rules for WCS and SDARS is a wasted day. NextWave emphasized to the Commissioner that this issue must be addressed regardless of the outcome of the proposed XM/Sirius merger and that XM and Sirius recently agreed with NextWave that final technical rules are needed.[4]

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed with the office of the Secretary. Please contact the undersigned if there are any questions or comments associated with this notice.

Respectfully submitted,

Jennifer L. Richter

Jennifer L. Richter
Counsel to NextWave Wireless Inc.

cc: Commissioner Tate
Wayne Leighton

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[1] *See, Petition of Sirius Satellite Radio Inc. for Rulemaking, and Comments*, IB Docket No. 95-91 (filed Oct. 17, 2006).

[2] *See, Written Ex Parte Communication of the WCS Coalition*, IB Docket 95-91, GN Docket No. 90-357 and RM-8610 (filed on July 9, 2007).

[3] *See, Consolidated Request of the WCS Coalition For Limited Waiver of Construction Deadline for 132 WCS Licenses*, Order, 21 FCC Rcd 14134, 14141 at ¶ 14 (2006) ("*Waiver Order*").

[4] *See, Consolidated Reply Comments of Sirius Satellite Radio Inc. and XM Satellite Radio Holdings Inc.*, MB Docket No. 07-57, n.22 (filed on August 27, 2007).