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VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW, Room TW-A325
Washington, DC 20554

Re: IB Docket No. 07-253
Ex Parte Presentation

Dear Ms. Dortch:

On behalf of Sprint Nextel Corporation (Sprint Nextel), on March 28, 2008, I met with Wayne Leighton of the Office of Commissioner Deborah Taylor Tate. Like many other parties to this proceeding, Sprint Nextel continues to oppose Globalstar, Inc.'s (Globalstar's) request to expand its frequency division duplex ancillary terrestrial component (ATC) authority to include the 2493-2495 MHz band that separates ATC from Sprint Nextel's next-generation wireless mobile broadband services. ATC operations above 2493 MHz threaten substantial harmful interference to Broadband Radio Service (BRS) operations above 2496 MHz.

Sprint Nextel, CTIA, the Wireless Communications Association International ("WCA"), the WiMAX Forum, and key broadband equipment manufacturers agree that three megahertz of separation between Globalstar's MSS ATC operations and BRS channel 1 ("BRS-1") at 2496-2502 MHz is necessary to protect BRS operations from harmful interference.¹ As these parties have demonstrated, ATC systems above 2493 MHz would likely cause both out-of-band emissions and receiver overload interference to operations on BRS-1. Within the 2.5 GHz band itself, BRS and Educational Broadband

¹ See Reply Comments of CTIA – The Wireless Association, IB Dkt. 07-253, at 5-6 (Jan. 3, 2008); Reply Comments of WCA, IB Dkt. 07-253, at 3-13 (Jan. 3, 2008); Reply Comments of Sprint Nextel Corporation, IB Dkt. 07-253, at 6-17 (Jan. 3, 2008) ("Sprint Nextel Reply"); Letter from Tim Hewitt, WiMAX Forum Regulatory Working Group, to Marlene H. Dortch, FCC, IB Dkt. 07-253 (Feb. 14, 2008) ("WiMAX Forum Letter"); Letter from Burton J. Callaway, KMW Communications, to Marlene H. Dortch, FCC, RM-11339 (Oct. 24, 2007); Letter from Vince Caputo, Andrew Corporation, to Marlene H. Dortch, FCC, RM 11339 (Oct. 26, 2007); Letter from David Sobczak, CSS Antenna, Inc., to Marlene H. Dortch, FCC, RM-11339 (Oct. 24, 2007).

Services licensees have accounted for this threat of interference between incompatible systems. Operators using TDD technology rely on at least three megahertz of frequency separation, or “transition zones,” from other non-synchronized TDD systems or Frequency Division Duplex systems to avoid interference. The Commission in 2004 established the existing three megahertz separation to prevent interference and safeguard BRS operations,² and it has integrated the above-described 2.5 GHz “transition zones” into its BRS-EBS framework.³ The Commission should establish three megahertz of separation between MSS ATC and BRS-1 operations, and under no circumstances should MSS ATC be authorized at frequencies higher than 2494 MHz. ATC operations above 2494 MHz would result in damaging interference that would prove extremely harmful to use of the BRS-1 licenses.

In addition to maintaining a modest separation between two incompatible services, Sprint Nextel and other parties have urged that the Commission impose its Part 27 BRS out-of-band emission limits on Globalstar’s ATC operations.⁴ Contrary to Globalstar’s claims,⁵ these BRS emission limits are much more rigorous than the rules now applicable to ATC systems in the S band. Unlike the out-of-band emission limits for ATC below 2493 MHz, these BRS limits become more restrictive as one moves further from the band edge. Given this difference, BRS licensees have less protection from interference from MSS ATC systems than ATC systems have from adjacent-band BRS operations.⁶ The Commission should resolve this discrepancy by expressly subjecting Globalstar’s ATC operations to the BRS out-of-band emissions limits contained in section 27.53(m)(2).

Globalstar has stated that if it deploys a TDD WiMAX system exactly like those implemented by BRS operators on BRS-1, it would reduce the chance of interference to adjacent-channel BRS facilities.⁷ Globalstar, however, has failed to address the multiple practical and regulatory obstacles to such a deployment. First, the Commission does not permit TDD operations (including WiMAX) in Globalstar’s MSS spectrum because that service is fundamentally incompatible with Globalstar’s MSS operations.⁸ Second,

² *Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, Report and Order, Fourth Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd. 13356, ¶ 72 (2004).

³ 47 C.F.R. § 27.53(m)(2).

⁴ 47 C.F.R. § 27.53(m)(2); see Sprint Nextel Reply at 3-6; WiMAX Forum Letter at 3; Letter from Peter K. Pitsch, Intel Corporation, to Marlene H. Dortch, FCC, IB Dkt. 07-253, at 1-2 (Feb. 7, 2008).

⁵ See, e.g., Reply Comments of Globalstar, Inc., IB Dkt. 07-253, at 20-21 (Jan. 3, 2008) (“Globalstar Reply”).

⁶ Sprint Nextel Reply at 3-6.

⁷ Comments of Globalstar, Inc., IB Dkt. 07-253, at 29-30 (Dec. 19, 2007); Globalstar Reply at 27-29.

⁸ 47 C.F.R. § 25.149(a)(1) (“ATC shall be deployed in the forward-band mode of operation whereby the ATC mobile terminals transmit in the MSS uplink bands and the ATC base stations transmit in the MSS downlink bands . . .”); see also *Flexibility for Delivery of Communications by Mobile Satellite Service*

Globalstar has not filed for authority to operate using TDD; thus, arguments regarding the reduced interference that would result from ATC TDD operations are speculative at best. Third, Globalstar disregards a number of operational issues that could prevent effective synchronization with BRS operators. For instance, not all BRS-1 systems will utilize the same technology and those that choose to deploy TDD WiMAX operations are highly unlikely to use the same symmetry rates. Even in those instances where Globalstar at first might be able to synchronize its ATC WiMAX network with a BRS neighbor, it could be exceedingly hard to sustain that synchronization. BRS operators are likely to adjust their downstream/upstream frequency periodically in response to fluctuations in traffic and the emergence of new applications.

Sprint Nextel again urges the Commission to retain the three megahertz separation between Globalstar's ATC operations and BRS systems above 2496 MHz. The Commission should also require Globalstar to observe the BRS out-of-band emission limit of $67+10 \log P$ at 2496 MHz and the related Part 27 rules governing out-of-band-emissions. Acting decisively against Globalstar's thinly reasoned demands for spectrum at 2493-2495 MHz will prevent harmful interference to Xohm, the nation's first mobile wireless broadband network.

Sincerely,

/s/ Trey Hanbury
Trey Hanbury
Director, Government Affairs
Sprint Nextel Corporation

cc: Wayne Leighton
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