

May 2, 2008

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



Re: Notice of Oral *Ex Parte* Presentation in WT Docket No. 06-150  
PS Docket No. 06-229  
RM-11361

Dear Ms. Dortch:

On April 30, 2008, on behalf of the Public Interest Spectrum Coalition, Harold Feld of the Media Access Project, Michael Calabrese of the New America Foundation, Shawn Chang of Free Press, and Jef Pearlman of Public Knowledge, (collectively "PISC") met with Renée Roland Crittendon Legal Advisor for Spectrum & International Issues to Commissioner Adelstein with regard to the above captioned proceedings.

With regard to WT Docket No. 06-150 and PS Docket No. 06-229, PISC urged that the Commission should resolve the pending *Petition for Reconsideration* timely filed by PISC. In the event the Commission did not grant PISC's request to reconsider the spectrum cap or other form of incumbent exclusion, the Commission should seek further comment on this issue in the forthcoming *NPRM*. PISC also urged the Commission again seek comment on a mandatory wholesale condition, as it did in the April 25, 2007 *FNPRM*.

With regard to WT Docket No. 06-150 and PS Docket No. 06-229, PISC urged that the Commission should resolve PISC's timely-filed *Petition for Reconsideration*. PISC also argued that, in the event the Commission does not grant PISC's request for reconsideration with respect to adoption of a spectrum cap or other form of incumbent exclusion, the Commission should seek further comment on this issue in the forthcoming *NPRM*. PISC also asked that the Commission again seek comment on a mandatory wholesale condition, as it did in the April 25, 2007 *FNPRM*.

PISC noted that the recent report of the Office of the Inspector General demonstrated that the lack of clarity on the specific needs and expectations of PSST and the D Block winner was a significant factor in the failure to attract bidders. Rather than require the D Block winner to negotiate after the auction with PSST, the Commission should consider postponing the auction until all terms and conditions are resolved. The Commission could still permit parties to engage in private negotiation and discussion, with the understanding that when PSST has created a document that clearly resolves the expectations and responsibilities of the parties, the Commission would place this proposal on public notice and schedule an auction immediate after it has received public comment. Timing of the auction would therefore depend on how quickly PSST and the public safety community could voluntarily craft an agreement acceptable to potential bidders. This would create an incentive for all

sides to conduct speedy negotiations and avoid posturing.

With regard to RM-11361, PISC argued that the Commission should not dismiss the so-called “*Skype Petition*.” In the event the Commission does dismiss the *Skype Petition*, it should make explicitly clear that such an action on this broad “facial challenge” does not foreclose bringing specific complaints or other requests for relief. For example, the pending *Petition for Declaratory Ruling* with regard to text messaging and short codes, WT Docket No. 08-7, should not be implicated in any way by a decision to dismiss the *Skype Petition*, any such decision should clearly state as much.

In accordance with Section 1.1206(b) of the Commission’s Rules, this letter is being filed with your office.

Respectfully submitted,

/s/

Harold Feld  
Senior Vice President

cc: Renée Roland Crittendon