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June 5, 2008

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW-A325
Washington, DC 20554

Re: Ex Parte Presentation
WT Docket Nos. 07-195 and 04-356

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's ex parte rules, 47 C.F.R. §1.1206, this letter is to notify you that on June 4, 2008 representatives of United States Cellular Corporation ("USCC") including Grant B. Spellmeyer, Director, Regulatory Affairs, USCC, and the undersigned, met with Renee Crittendon, Legal Advisor to Commissioner Jonathan S. Adelstein to discuss the possible terms of a proposed decision in the above cited dockets.

USCC requested that the Commission postpone consideration of the draft AWS-3 item described in its May 23 Tentative Commission meeting agenda, release relevant details concerning these proposals and provide an opportunity for public comment. The Commission has additional time even under its self imposed nine month deadline for a decision in this proceeding i.e. by August 14. This proceeding involves complex and controversial interference and licensing issues which will direct how the remaining unoccupied commercial spectrum below 3 GHz will be deployed. The Commission should not rush its decision on these important matters with so much at stake.

USCC described three areas of the Commission's proposals which were of great concern:

1. Interference to AWS-1 Operations. AWS-3 band (2155-2180 MHz) is adjacent to base transmit bands potentially interfering with AWS-1 operations at 2110-2155 MHz. This spectrum location presents complex interference challenges which could threaten implementation of new advanced services in the adjacent AWS-1 band by the winners in Auction #66.

USCC through its partnership with Barat Wireless will be directly affected because Barat holds AWS-1 E Block spectrum in the Mississippi Valley acquired in Auction #66.

The complex interference challenges arise because AWS-3 operations are located immediately adjacent to the 2110-2155 MHz portion of the AWS-1 band, which is used for mobile receive. The proposed rules would allow time division duplex or TDD operations in AWS-3, which provides for mobile transmit and receive on the same frequencies. If the FCC allows mobile transmit in the lower portion of the AWS-3 band, USCC believes that harmful interference to the adjacent channel AWS-1 mobile receivers will be unavoidable. Even if a substantial mobile transmit buffer were adopted, stricter power limits in the AWS-3 band will be needed to avoid serious interference to AWS-1. As mentioned above, USCC has made with its partner, Barat Wireless, a substantial investment in AWS-1 licenses which the Commission's proposal puts at risk. USCC urges the Commission to require AWS-3 mobile transmit carrier separation from the adjacent AWS-1 band and meaningful mobile OOB attenuation requirements to preserve the ability to meet service objectives over AWS-1 spectrum.

2. Interference to Broadband PCS Operations. There are also interference issues involving adjacent AWS-2 spectrum, 1915-1920 MHz paired with 1995-2000 MHz ("H-Block") which compound the already complex technical proposals surrounding the proposed implementation of this spectrum within 10 MHz of the 1930-1990 MHz PCS band.

USCC currently operates on Broadband PCS A and B Block spectrum in more than fifteen markets which potentially would be subject to significant harmful interference risk if the Commission's draft decision were adopted. In WT Dkt No 04-356, USCC supported adoption of an out-of-band emissions limit for operations in the H Block spectrum that limits emissions into the 1930-1990 MHz PCS receive band to -76 dBm/MHz to address this interference potential.

The proposed H Block operations will reduce the frequency separation between PCS mobile transmit and receive from 15 MHz to 10 MHz, and H Block mobile transmit in the 1915-1920 MHz band at proposed levels will cause significant interference into the PCS mobile receive band, 1930-1990 MHz.

USCC has reviewed and concurs with the test results prepared by PCTest Laboratory, Inc. and the Wireless Information Network Laboratory of Rutgers University, as commissioned and filed in these proceedings by CTIA, Sprint and Verizon. As reported in these studies (filed in ECFS in December of 2004), harmful interference was encountered in the IM tests with H-Block signals. In this case, the H-Block signals received as low as -36 dBm can interfere with incumbent PCS handsets operating on the B-Band, as indicated for half of the CDMA handsets tested. This represents the most severe interference case -- resulting in interference to incumbent PCS handsets at a distance of 8 meters, or 26 feet away from just one H-Block device transmitting at the $+23$ dBm limit. It is also possible that multiple H-Block devices may be transmitting within a range of 8 meters -- in these cases the H-Block signals can combine and further degrade incumbent PCS operations.

The same studies indicates that H-Block signals also have the potential to cause interference to incumbent PCS handsets operating on all PCS bands (A through F). In receiver overload tests, the results show interference occurs with a received H-Block signal of -28 dBm or greater, for two CDMA handsets and the UMTS handset tested. This is equivalent to a separation distance of 3.1 meters (or 10.3 feet) away from H-Block devices transmitting at the +23 dBm limit. In tests at higher temperatures, the results indicate that even more PCS handsets will experience interference.

3. Additional Licensing Opportunities for Local Regional and Rural Providers. Among the most important issues before the Commission in this proceeding is how to create licensing opportunities in AWS-2 and AWS-3 spectrum which promote, through market-based approaches, the competitive development of advanced technologies in all areas of the country. USCC continues to support adoption of smaller market sizes such as CMAs and/or EAs to provide the greatest flexibility in tailoring service area footprints and will promote economic opportunity for the widest variety of applicants.

The proposed elimination of the upper half of this paired spectrum in the J Block (2020-2025 MHz paired with 2175-2180 MHz) removes this block as potential spectrum available at auction to meet the needs of local, regional and rural providers. The H and J Blocks are among the few pieces of unoccupied paired spectrum below 3 GHz which are readily available to be used to overlay incumbent mobile systems. USCC proposed in WT Dkt No 04-356 that the J Block spectrum be licensed on a CMA or EA basis. If this 5 MHz portion of the J Block is "orphaned," the prospects for using this spectrum to enhance AWS-1 and PCS operations in smaller geographic service area sizes will be lost.

The Commission also should consider that nationwide allocation of AWS-3 and the imposition of unique free service, content filtering and other non technical service requirements effectively places this spectrum beyond the reach of local, regional and rural providers. While we acknowledge the appeal of trying to establish a new nationwide entrant to be a potential "third pipe" for broadband, this doesn't justify taking an approach which undercuts the valuable competition which local, regional and rural providers could make possible in this block as well as in the H and J Blocks. Also the recent experience with the 700 MHz D Block indicates that designer allocations of this nature are inherently risky from a public policy perspective. "Command and control" spectrum allocation policies that are designed to meet specific business plans, or specific Commission-imposed objectives, by-pass the market-based competitive safeguards in which spectrum is auctioned off with minimal restrictions to promote competition and innovation. The Commission should not be in the business of picking winners and losers or dictating which business plans will be permitted to be implemented. Service and auction rules reasonably could be adopted which preserve the opportunity for local and regional providers to bid for licenses for regional, or possibly even local, geographic service areas as a competitive alternative to nationwide licensing.

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In the event there are questions regarding this matter, please contact the undersigned.

Sincerely,



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