



June 6, 2008

Via Electronic Filing

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

Re: WT Docket Nos. 07-195, 04-356, 07-16 and 07-30 – Notification of Written Ex Parte Presentation

Dear Ms. Dortch:

In a sudden and dramatic change of heart, QUALCOMM Incorporated (“Qualcomm”) reversed its advocacy related to AWS-3 service rules just one day before the announced beginning of the sunshine notice period. A close examination of the company’s two filings in the AWS-3 proceeding demonstrate a stark change in its viewpoint.

In December of 2007, Qualcomm encouraged the Commission to permit any and all technologies into the 2155-2175 MHz band:

- Similarly, Qualcomm urges the Commission to adopt technical rules for AWS-3 along the lines of those which govern the adjacent AWS-1 spectrum. There is no need for the Commission to mandate an amount of guardband or to adopt overly tight out of band emissions requirements for AWS-3. The out of band emission limit should be the same $43 + 10 \log P$ which governs the adjacent AWS-1 spectrum should likewise govern the AWS-3 spectrum.¹
- Qualcomm strongly believes that the Commission should not restrict the services that could be deployed on AWS-3. Licensees should be allowed to use the spectrum for one-way or two-way services based upon TDD, FDD, or HFDD technologies. Qualcomm agrees with the Commission that its objective should be to “develop an approach for 2155-2175 MHz that will enable service providers to maximize use of this spectrum to provide advanced wireless services, while providing necessary protections against interference” and with the Commission’s stated plan for achieving that objective, namely “to permit as many types of technologies in the band as possible that are consistent with (the Commission’s) fixed and mobile allocation, and with the need to protect against interference.”²

¹ QualComm Comments, WT Docket 07-195 (filed Dec. 14, 2007) (citing AWS-3 NPRM at ii) (emphasis added).

² *Id.* at 11. (emphasis added)

This week, however, Qualcomm would prefer that one type of technology —TDD — go through a testing period prior to approval for use in the band:

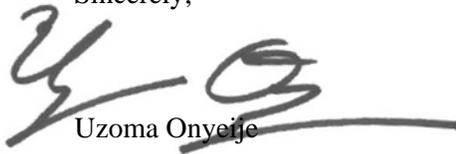
- “The Commission should defer adopting a ruling in this proceeding until definitive testing can be completed to determine conclusively whether there will be harmful interference from two-way operations on AWS-3, whether that band will be 2155 to 2175 MHz or 2155 to 2180 MHz, into the AWS-1 mobile receive band; and, if so, whether limitations on AWS-3 operations, however that band will be constituted, would prevent such harmful interference, or whether operations on the AWS-3 band must be limited to downlink only.”³

M2Z finds this reversal a bit curious and nonsensical. Qualcomm’s latest proposal defeats the whole purpose of the pending Report and Order as there is no AWS-3 equipment to test until the Commission issues final service and technical rules for the use of the AWS-3 band. By now suggesting an open ended "testing" period for this long fallow spectrum, Qualcomm and others (AT&T, Ericsson, CCIA, et. al.) are asking the Commission to enter into an endless regulatory limbo.

The Commission must avoid accepting such a proposal as it will effectively deny the American people the use of their national resource for the pecuniary benefit of a few and highly profitable incumbent carriers.

This ex parte is being filed pursuant to Section 1.1206(b) of the Commission rules. Please let me know if you have any questions regarding this submission.

Sincerely,



Uzoma Onyeije

cc: Aaron Goldberger
Bruce Gottlieb
Renee Crittendon
Wayne Leighton
Angela Giancarlo

³ Letter of Dean R. Brenner of QualComm to Ms. Marlene Dortch, WT Docket 07-195 (filed June 4, 2008) (emphasis added).