

MINTZ LEVIN

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June 20, 2008

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Ex Parte Notice
WT Docket No. 07-195**

Dear Ms Dortch:

On June 19, 2008, Thomas Sugrue, Kathleen O'Brien Ham and Mark McDiarmid of T-Mobile USA ("T-Mobile"), Howard Symons of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., and Thomas Dombrowsky (Engineering Consultant) of Wiley Rein LLP met separately with Commissioner Deborah Taylor Tate, Wayne Leighton, special advisor to Commissioner Tate, and Cameron Arch, an intern to Commissioner Tate; Brent Greenfield of the Wireless Telecommunications Bureau; Angela E. Giancarlo, Chief of Staff and Senior Legal Advisor to Commissioner McDowell; and Bruce Gottlieb, Legal Advisor to Commissioner Copps, to discuss the above-captioned docket.

On June 20, 2008, Messrs. Sugrue, McDiarmid, Symons, and Dombrowsky, and Sara Leibman of T-Mobile met with Renée Crittendon, Legal Advisor to Commissioner Adelstein to discuss the above-captioned docket.

The specific issues discussed during the meetings are reflected in the attached presentation.

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter and attachment is being filed electronically with the Office of the Secretary for inclusion in the above-referenced docket and served electronically on the Commission participants in the meetings.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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Please direct any questions regarding this filing to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

Attachment

cc: The Hon. Deborah Taylor Tate
Wayne Leighton
Cameron Arch
Brent Greenfield
Angela E. Giancarlo
Bruce Gottlieb
Renée Crittendon

AWS-3 Issues

June 19, 2008

Interference Issues Are Serious and Require Further Consideration and Testing

- AWS-1 vital to T-Mobile broadband deployment
- Mobile-to-mobile interference is not manageable
- FCC joint testing similar to NTIA testing for AWS-1 interference needed
- In lieu of this, T-Mobile proceeding with testing at Boeing Labs

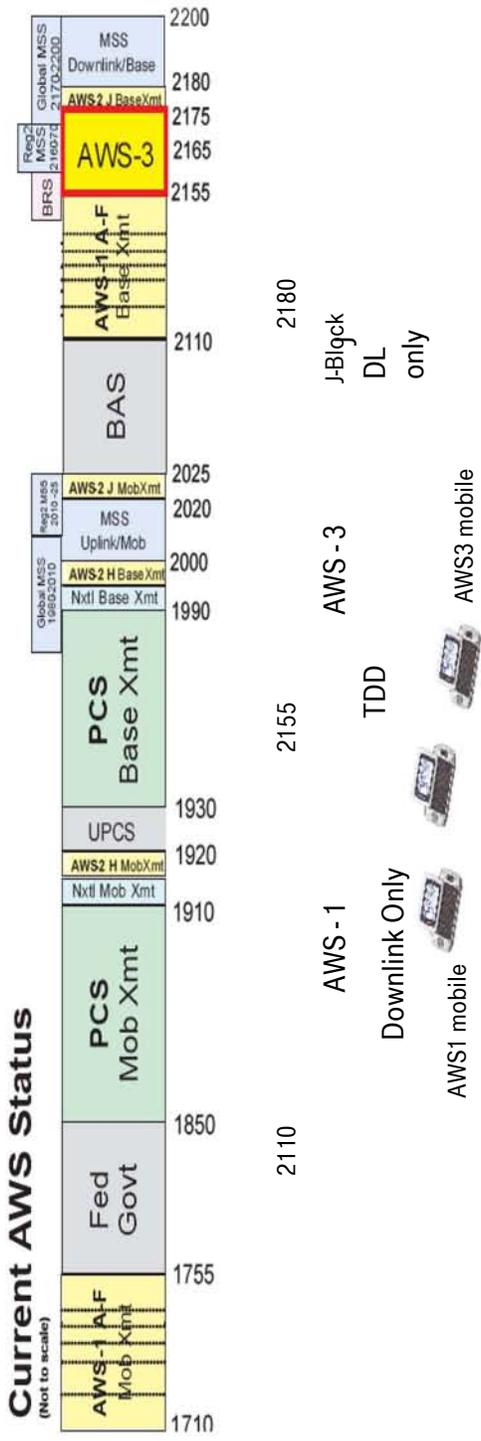
M2Z's Arguments Are Not Credible

- Filters will not solve this problem
- M2Z has “buyer beware” argument reversed

Don't Mandate M2Z's Business Plan

- Undermines viability of AWS-1 and AWS-3 spectrum
- Permit other business uses
- “Free” service proposal dubious

AWS-3 Mobile Interference to AWS-1 Operations



- T-Mobile and other companies have demonstrated through testing and analysis that mobile transmissions in the AWS-3 band would cause harmful interference to AWS-1
- This interference is significant and likely to be frequent
- Neither M2Z nor Commission staff has undertaken any testing of interference and have indicated that AWS-1 license holders would be required to internalize a guard band within their own auctioned and licensed AWS-1 spectrum to protect from AWS-3 uses.

AWS-1 Licensees Must Be Protected

- FCC's Proposed AWS-3 Plan Will Cause Harmful Interference to T-Mobile's Wireless Broadband Service.
 - Unrestricted mobile transmissions in the AWS-3 band will lead to crippling degradation in the adjacent AWS-1 band, where T-Mobile is already building out broadband wireless networks after having spent billions of dollars in the spectrum auction.
- Handset "Filters" Are Neither the Cause of Interference Nor the Cure.
 - The laboratory tests conducted by T-Mobile engineers verify that filters alone will not solve the interference problems created by mobile operations in the AWS-3 band.
- AWS-1 Licensees Were Never Put on Notice of Potential Interference from AWS-3.
 - Contrary to M2Z's claims, it was the proponents of mobile operations in the AWS-3 band who were put on notice that that they must "conclusively demonstrate that portions of this spectrum could be used for [TDD] transmissions without causing interference to ... other licensees." AWS-1 Service Rules Order, 18 FCC Rcd. 25162 ¶ 46 (2003).

The FCC Should Defer Action on AWS-3

- The FCC should issue a Further Notice for public comment on testing parameters, and then oversee laboratory tests on interference issues either on its own or through an independent third party
- The Further Notice should also allow for comments on the specific service rules and operational conditions the FCC is considering