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7 July 2008

BY ELECTRONIC FILING

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

Re: Notice of Ex Parte Presentation, WP Docket No. 07-100

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I hereby notify the Commission of an *ex parte* presentation made on behalf of Tyco Electronics M/A-COM ("TE-M/A-COM") in the above-referenced proceeding.

On July 3, 2008, I had a telephone conversation with Bruce Gottlieb, Legal Advisor to Commissioner Michael J. Copps. In our conversation, I made the following points:

- *First*, I stated that in adopting any revised rules governing the use of the 4940-4990 MHz frequencies ("4.9 GHz band"), the Commission should refrain from perpetuating the use of vague and undefined terms, such as the term "traditional fixed point-to-point microwave links," which the Commission used but did not define in the *Third Report & Order*, 18 FCC Rcd. 9152 (2003). Such terms have created confusion and concern among public safety agencies regarding the allocation status of particular links in the band and, indeed, prompted TE M/A-COM to file the petition for clarification and rulemaking discussed in the NPRM in the above-referenced docket.

- *Second*, I reiterated that clearly-defined power limits serve as a better means of clarifying permitted and prohibited operations than do novel or inadequately explained terms. In the case of the 4.9 GHz band, the existing power limits already preclude the sort of traditional high-powered microwave operations that so concerned the Commission in 2003.

- *Third*, I explained that in granting licensees using the 4.9 GHz band the authority to operate on a primary basis point-to-point and point-to-multipoint fixed links that are a part of public safety network, the Commission should clarify that the network need only be a public safety network—and not exclusively a 4.9 GHz public safety network. As deployment of public safety networks will continue to occur on a link-by-link or application-by-application basis, rather than as wholesale replacements of existing networks, it would be unreasonable for the Commission to expect that all links of such a network operate on frequencies in the 4.9 GHz band in order to take advantage of the primary allocation status for such 4.9 GHz fixed links. As a funding matter alone, such wholesale replacements would be infeasible.

- *Fourth*, I reiterated that there is uniform support in the record for permitting primary fixed links in the 4.9 GHz band in order to enhance mobile functionality in public safety networks.

Should you have any questions or require further information, please contact me by telephone at +1 202 730 1337 or by e-mail at kbressie@harriswiltshire.com.

Respectfully submitted,

Kent D. Bressie
Counsel to Tyco Electronics M/A-COM

Attachment

cc: Bruce Gottlieb