



August 22, 2008

Via ECFS

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

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

Dear Ms. Dortch:

NextWave Wireless Inc. ("NextWave") hereby responds to recent ex parte presentations made in the above referenced proceedings,<sup>1</sup> seeking to establish service rules for the 2155-2175 MHz ("AWS-3") band.

M2Z Networks ("M2Z") and T-Mobile USA, Inc. ("T-Mobile") have each submitted comments regarding T-Mobile International's operation of a wireless broadband network in the Czech Republic that uses NextWave's 3GPP TD-CDMA technology and equipment and the relevance of these operations to the proposed AWS-3 allocation in the United States.<sup>2</sup>

NextWave has previously filed comments in this proceeding regarding its preference for a "lightly-licensed" approach for AWS-3 that includes technical rules similar to those adopted for the 3.65 GHz band - an approach NextWave believes will maximize the band's utility for affordable wireless broadband services.<sup>3</sup> NextWave's comments herein do not reflect a change in that position, but are intended merely to clarify for the record how its technology and equipment is being used in the Czech Republic.

In its filing, M2Z cites the T-Mobile International TD-CDMA network in the Czech Republic as an example of a time-division duplex ("TDD") network that successfully operates in a frequency band adjacent to a frequency division duplex ("FDD") band.<sup>4</sup> M2Z

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<sup>1</sup> *Service Rule for Advanced Wireless Services*, WT Docket Nos. 07-195 and 04-356, Further Notice of Proposed Rulemaking, FCC 08-158 (rel. June 20, 2008) ("*Further Notice*").

<sup>2</sup> Letter from Uzoma Onyeije, M2Z Networks, to Marlene Dortch, Secretary, FCC, WT Docket Nos. 07-195, 04-356, 07-16 and 07-30 (filed Jul. 28, 2008) ("*M2Z Letter*"); Reply Comments of T-Mobile USA, Inc. (filed Aug. 11, 2008).

<sup>3</sup> Reply Comments of NextWave Wireless Inc. (filed Jan. 14, 2008).

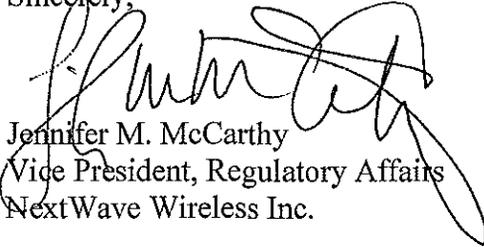
<sup>4</sup> *M2Z Letter*.



states that, “The very conditions under which T-Mobile successfully operates in the Czech Republic are those that it claims are insurmountable in the United States.”<sup>5</sup>

NextWave would like to point out an important difference between the UMTS spectrum and technology usage in the Czech Republic and what is being proposed for the AWS-3 band in the United States. In the Czech Republic, the bands allocated for UMTS TDD operations are immediately adjacent to the UMTS FDD *mobile* transmit band. In the United States, on the other hand, the FCC has proposed to authorize AWS-3 TDD operations in a band adjacent to the AWS-1 FDD *base station* transmit band. This key spectrum allocation difference was not highlighted by M2Z in its comments regarding the T-Mobile International operations in the Czech Republic and the relevance of those operations to the AWS-3 proceeding.

Sincerely,



Jennifer M. McCarthy  
Vice President, Regulatory Affairs  
NextWave Wireless Inc.

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<sup>5</sup> *Id.* at 1.