



December 3, 2008

VIA ELECTRONIC FILING

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

**Re: *Ex Parte* Notice
WT Docket Nos. 07-195 and 04-356
Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band**

Dear Ms. Dortch:

On December 2, 2008, Tom Sugrue, Vice President of Government Affairs, T-Mobile USA, Inc., had a telephone conversation with Renée Crittendon, Legal Advisor to Commissioner Jonathan Adelstein, about the above-referenced proceeding. Mr. Sugrue emphasized that T-Mobile remains extremely concerned about the Commission's proposed rules for the AWS-3 band because of the serious potential for interference from AWS-3 uplink operations to consumers in the adjacent AWS-1 band. He reiterated the advantages of T-Mobile's alternative Broadband Maximization Plan, and noted that it would permit much more efficient use of the spectrum, avoid orphaning the lower J block, allow new entrants (including M2Z Networks, Inc. ("M2Z")) to participate in an auction, and eliminate serious interference problems to customers of T-Mobile and other AWS-1 licensees.

Mr. Sugrue and Ms. Crittendon also discussed several other disadvantages of the Commission's proposed decision to tailor the AWS-3 rules to M2Z's business plan, including the difficulty the winning bidder will encounter in attracting financing to build a nationwide network and provide an advertisement-supported "free" service. And, even in the unlikely event the network could be financed and constructed in this economic climate, Mr. Sugrue stated that the "free" service downstream speed of 768 kbps required by the Commission is barely "broadband" by today's standards and will not be close to "broadband" by the time a new AWS-3 licensee is able to offer service.

Pursuant to Commission rules, please include this notice in the above-referenced dockets.

Respectfully submitted,

/s/

Sara F. Leibman,
Director, Federal Regulatory Affairs

cc: Renée Roland Crittendon