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Ex Parte Memorandum

December 9, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
445 – 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: Service Rules for Advanced Wireless Services in the
2155-2175 MHz Band, WT Docket No. 07-195;

Service Rules for Advanced Wireless Services in the
1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz
and 2175-2180 MHz Bands, WT Docket No. 04-356.

Dear Ms. Dortch:

The American Association of Paging Carriers (AAPC) is aware that an order in the above-referenced proceedings has been scheduled for consideration at the Commission's next meeting on December 18, 2008. As stated in its comments in response to the Further Notice of Proposed Rulemaking (FNPR), AAPC generally supports the proposal to designate the 2155-2180 MHz band for "wireless broadband" service, but is concerned that the licensing and related rules proposed in the FNPR ignore critical public interest objectives of the Communications Act. As explained more fully in AAPC's comments, in order to remedy these omissions the Commission should:

- * Require the licensee to offer fee-based services on a wholesale basis to third parties, without retail price controls. This is necessary to comply with Section 257's mandate to foster "market entry for entrepreneurs and small business in the provision and ownership of telecommunications and information services".
- * Prohibit Tier I and Tier II mobile telephone carriers from eligibility for the 2155-2180 MHz license. The conduct of these carriers in fighting the Commission's proposal for this band is the best possible evidence that letting any of them hold the license will be fatal to the Commission's objective of fostering the nationwide availability of economical broadband wireless service. The Commission lawfully may not simply bury its head in the sand and remain oblivious to the consequences of a nominally "open" entry policy for this spectrum.

Marlene H. Dortch, Secretary
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December 9, 2008
Page Two

Fostering the nationwide rollout of affordable broadband service is a bipartisan objective. AAPC urges the Commission to promptly move forward with its proposal while remedying the serious deficiencies in the FNPR.

Respectfully submitted,

AMERICAN ASSOCIATION OF
PAGING CARRIERS

By: s/Kenneth E. Hardman
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Its Attorney