

May 13, 2009

***Via Electronic Filing***

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

**Re: *Notification of Ex Parte Presentation***  
***WT Docket Nos. 08-166 & 08-167; ET Docket Nos. 02-380 & 04-186***

Dear Ms. Dortch:

On behalf of Verizon Wireless, Don Brittingham, Assistant Vice President, and Adam Krinsky, outside counsel, met with Paul Murray, Interim Legal Advisor to Acting Chairman Michael Copps, on May 12, 2009, and Adam Krinsky spoke by telephone to Jim Schlichting, Acting Chief of the Wireless Telecommunications Bureau, and Chris Moore, Deputy Chief of the Bureau, on May 13, 2009. Verizon Wireless reiterated the pressing need for action to promptly eliminate wireless microphone operations in the 700 MHz band.

The DTV Transition will end in just one month's time, but the Commission has yet to adopt a decision requiring wireless microphones and other LPAS device operations to vacate the 700 MHz band. Verizon Wireless intends to deploy next-generation, wireless broadband services in the 700 MHz Upper C Block, and noted that numerous public safety deployments are already underway in the narrowband 700 MHz public safety spectrum. Verizon Wireless therefore urged the Commission to adopt a firm and early hard date by which all such operations must vacate the band.

The Commission issued the *700 MHz Wireless Microphone NPRM* in August 2008 and tentatively concluded that all wireless microphones and other LPAS devices must cease operations in the 700 MHz band by the DTV Transition date – at the time, February 17, 2009 – *six months from issuance of the NPRM*.<sup>1</sup> Today, there remains ample justification to set the hard date at the DTV Transition date, or June 12, 2009. As the Commission stated, “it is incumbent on the Commission to take all steps necessary to make this spectrum effectively

<sup>1</sup> *Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, et al.*, Notice of Proposed Rulemaking and Order, 23 FCC Rcd 13106 ¶ 15 (2008) (“*700 MHz Wireless Microphone NPRM*”).

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available both to public safety and commercial licensees at the end of the DTV transition.”<sup>2</sup> Full power TV station operations were required to vacate the band by a fixed DTV transition date so that “new wireless licensees will be able to provide unencumbered services in the 698-806 MHz band.”<sup>3</sup> Yet the record indisputably demonstrates that ongoing wireless microphone operations in the band will result in interference to first responders, to wireless broadband consumers, and even to wireless microphone users.<sup>4</sup> A hard date of June 12, 2009, moreover, is consistent with actions by both manufacturers and the user community, in response to the NPRM and the DTV Delay Act, to inform wireless microphone users that they should be prepared to vacate the 700 MHz band by June 12, 2009.<sup>5</sup>

Verizon Wireless would prefer that wireless microphones and other LPAS devices cease operations in the 700 MHz band at the end of the DTV Transition but recognizes that the Commission may seek to provide some additional period to allow such operations to vacate the band. Verizon Wireless supports the position taken by Association of Public-Safety Communications Officials (APCO), National Emergency Number Association (NENA), National Public Safety Telecommunications Council (NPSTC), and CTIA—The Wireless Association®: adoption of a limited extension but under no circumstances should continuing operations in the band extend beyond time February 18, 2010.<sup>6</sup> A February 18, 2010 hard date would be a full year after the Commission’s tentative conclusion in the NPRM and it would provide for nine months of notice from order, if adoption occurs quickly.

In addition, the parties discussed notification procedures in the event that a 700 MHz commercial wireless licensee intends to begin operations in advance of the hard date. Finally, Verizon Wireless again reiterated the importance of comprehensive action. The Commission

<sup>2</sup> *Id.* ¶ 1.

<sup>3</sup> *Id.* ¶ 9.

<sup>4</sup> *See, e.g.*, Letter from V-COMM LLC, to Marlene H. Dortch, FCC, WT Docket Nos. 08-166 & 08-167 (Apr. 17, 2009) (providing analysis demonstrating “that public safety licensees, commercial licensees, and wireless microphone users will all be substantially harmed by continued operation of LPAS devices at 700 MHz.”).

<sup>5</sup> *See, e.g.*, Sennheiser, “700 MHz Rebate Program for Wireless Systems,” available at [http://www.sennheiserusa.com/media/pdfFiles/Pro\\_700MHz\\_Range\\_Rebate.pdf](http://www.sennheiserusa.com/media/pdfFiles/Pro_700MHz_Range_Rebate.pdf) (“On June 12, 2009 all full power analog TV transmission is scheduled to cease. Digital TV broadcasts will be consolidated below channels 52. Channels 52-69 (698 – 806 MHz), generically called the 700 MHz band, will be reallocated to public emergency broadcast and telecom companies. We anticipate the FCC will prohibit the use of wireless microphones in this range in the near future.”); Behind the Mixer, “The FCC Ruling Simplified: What It Means For You,” available at <<http://www.behindthemixer.com/print/329>> (“In short, after June 12, 2009, those wireless microphones can no longer be used.”).

<sup>6</sup> *See* Letter from Association of Public-Safety Communications Officials (APCO), CTIA—The Wireless Association®, National Emergency Number Association (NENA), and National Public Safety Telecommunications Council (NPSTC), to Marlene H. Dortch, FCC, WT Docket Nos. 08-166 & 08-167, at 2-3 (Apr. 7, 2009).

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must allow wireless microphone users to transition to alternative spectrum, and other proceedings should not delay swift and definitive action here.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed electronically with your office. Please contact the undersigned if you have any questions.

Sincerely yours,

/s/

Adam D. Krinsky

cc: Paul Murray  
Angela Giancarlo  
Renee Crittendon  
Jim Schlichting  
Chris Moore  
Nese Guendelsberger  
Paul D'Ari  
Brenda Boykin  
Bill Stafford