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September 9, 2009

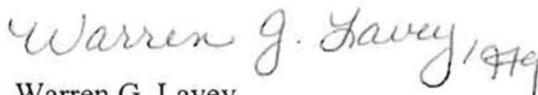
Ms. Marlene H. Dortch  
Secretary Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

RE: Ex Parte Notice – Service Rules for the 698-746, 747-762 and 777-792MHz Bands – WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band – PS Docket No.06-229; Petitions for Waiver to Deploy 700 MHz Public Safety Broadband Networks, PS Docket No. 06-229

Dear Ms. Dortch:

On September 8, 2009, representatives of United States Cellular Corporation – Ted Carlson (Chairman of the Board of United States Cellular Corp. and CEO of the parent company, Telephone and Data Systems, Inc.); Joseph Hanley (Vice President – Technology Planning and Services, Telephone and Data Systems); Grant Spellmeyer (Director of Legislative and Regulatory Affairs, United States Cellular Corp.); George Wheeler (Holland & Knight); and myself (Skadden Arps) – met with the Public Safety and Homeland Security Bureau (James Barnett (Chief), Lisa Fowlkes (Deputy Chief), David Furth (Deputy Chief) and Erika Olsen (Special Counsel (by phone))). We discussed the points in the attached presentation as well as points in the comments and reply comments filed by United States Cellular Corporation in the proceedings referenced above.

Sincerely yours,



Warren G. Lavey  
Counsel for United States Cellular Corporation

cc: James Barnett  
Lisa Fowlkes  
David Furth  
Erika Olsen



# Achieving Nationwide, Interoperable Public Safety Broadband Wireless Services Through a Public/Private Partnership

September 8, 2009



# Some Recent Significant US Cellular Achievements

- 6.2 million customers in 5 geographic market areas across 26 states
- Eighth consecutive J.D. Power award for highest call quality in North Central Region
- US Cellular has 3G coverage enabled on about 60% of its cell sites, reaching about 75% of its post-pay customers. Broadband coverage to many unserved and underserved areas. Examples:
  - West Virginia – Senator Jay Rockefeller: “...this move by US Cellular is an important and long-term investment for wireless customers that should absolutely be applauded.”
  - Maine – Senator Olympia Snowe: “US Cellular’s investment in Maine will help ensure that our state has access to the advanced wireless services that drive economic growth.”
  - Illinois – Macoupin County Board Chairman: “With their recent addition to towers in the area and new 3G speeds, new doors have been opened in our community to use this technology in exciting ways.”
- With USF support, deployed cell towers to areas that lacked quality wireless service. Examples of new towers for unserved areas in 2009: Missouri (Rover, Sunnyview, Wyaconda, Chestnut Ridge, Dove Mountain, Cassville); Nebraska (Grant, Pierce West, Snyder, Spalding, Chambers, Plesanton, Franklin, Eustis, Leigh, Burr Crab Orchard); Oregon (Bonanza, Malin, Hillcrest, Spray, Kings Spring); Iowa (Leando, Whittmore, Union, Green Bay, Akron, Ocheyedan).
- Partner in successful bidder for 152 A and B Block 700 MHz licenses.

# Achieving Nationwide, Interoperable Public Safety Broadband Wireless Services

## Enablers

1. Shared commercial use of the 700 MHz PSBL and D Blocks through public/private partnerships
2. 58 regional licenses
3. Nationwide technical standards and interoperability
4. Limited waivers for qualified test-bed builds within framework for nationwide services
5. Auction with second stage and zero, best efforts bids by PSBL to promote nationwide coverage

# Shared Commercial Use of the 700 MHz PSBL and D Blocks through Public/Private Partnerships

- Two policy goals compel prompt action
  - Provide public safety entities with nationwide, interoperable broadband wireless services.
  - Expand competitive broadband wireless services for consumers nationwide.
- Proposals made by US Cellular and others have many solid features
  - Public/private partnership.
  - Shared capacity addresses needs of public safety and commercial users – helping fund deployments and ensuring more efficient use of scarce spectrum.
  - With clear technical requirements and regional licenses, the D Block licenses will attract bidders. If there are areas without commercial bidders, licenses can be granted on a zero-bid, best efforts basis to the PSBL.
  - Coordination by PSBL, and national committee of area licensees will achieve nationwide interoperability.
  - LTE
  - Coverage and hardening above commercial levels, but still viable.
  - Discounted but commercially reasonable rates for public safety users.



# FCC Should Develop an Approach Within the Current Statutory Framework

- FCC should not wait for legislation, but should instead take a “parallel path” approach
  - Depending on the details, USCC is not opposed to legislative solutions, but passage is uncertain and delays are likely
  - Path forward is available within existing FCC authority that will put spectrum in service sooner, permit early builds, and facilitate nationwide public safety broadband network
  - If legislation changes the framework, rules can readily adapt. If that doesn't happen, FCC will be ready to move forward with an auction rather than losing months or years waiting.
  - Re-auction of D Block can be successful
- Commercial uses of PSBL and D Block spectrum, within the public/private partnership framework, would serve the public interest and must be preserved
  - Shared use will fund the network and support nationwide public safety services
  - Spectrum – the lifeblood of wireless broadband competition – has become highly concentrated; more commercial capacity is needed to support competition

## 58 Regional Licenses

- Public safety regions for 700 MHz planning facilitate:
  - Customization to meet local public safety needs with national standards
  - Coverage for urban and rural areas
  - Nationwide coordination for interoperability
- Interest at state level demonstrated by several pending waiver requests
- Attractive size for potential bidders
- Eliminate complexity of mega-regional packages
- Reduce minimum opening bids in areas with high costs for narrowband relocation

# Technical Standards and Interoperability

- Technical Standards
  - Public safety organizations and commercial carriers chose LTE
  - US Cellular and others made solid proposals on coverage, build out, capacity, reliability and other standards
- Interoperability
  - National committee to coordinate D Block licensees with PSBL and FCC
  - National platform for certain public safety applications
  - Reasonable efforts to support gateways for other public safety networks and satellite coverage

# Limited Waivers for Qualified Test-Bed Builds Within Framework for Nationwide Services

- Select limited number of early builders in PSBL spectrum within framework for nationwide, interoperable coverage
  - Waivers should not undermine policy of widespread coverage
  - Technical compatibility using LTE
  - Demonstration networks with technical and financial qualifications
- After licensing D Block, early builders could:
  - Continue operations in PSBL spectrum, with commercial services using D Block and spare PSBL capacity; or
  - Combine with applicable D Block licensees for shared network and spectrum, compensated at negotiated value based on depreciated cost and avoided cost for shared network
- Nationwide coordination through PSBL

# Auction with Second Stage and Zero, Best Efforts Bids by PSBL to Promote Nationwide Coverage

- Address any unsold D Block licenses from auction's first stage through a second stage with relaxed rules for commercial bidders
  - Lower minimum opening bids
  - Possible adjustments to coverage and technical requirements
- PSBL becomes zero, best efforts bidder and licensee for unsold D Block licenses at end of second stage
  - Flexibility for PSBL on coverage and technical requirements in deploying services to meet public safety needs in region
  - Could apply an RFP process to partner with commercial operators for shared network and uses
  - Could work with public safety entities in region