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November 5, 2009

57739-000020

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

Re: *Fostering Innovation and Investment in the Wireless Communications Market; A National Broadband Plan for our Future*, GN Docket Nos. 09-157 and 09-51; *Comment Sought On Spectrum for Broadband*; *NBP Public Notice # 6*, GN Docket Nos. 09-47, 09-51 and 09-137 ; *AWS-2*, WT Docket No. 04-356; *AWS-3*, WT Docket No. 07-195

Dear Ms. Dortch:

On November 4, 2009, Mark A. Stachiw of MetroPCS Communications, Inc. ("MetroPCS") and Carl W. Northrop of Paul, Hastings, Janofsky & Walker LLP ("Paul Hastings") participated in meetings with (1) John Leibovitz and Leon "Stagg Newman (Michael Lazarus of Paul Hastings also attended this meeting) and (2) John Leibovitz, Peter Daronco, Paul D'Ari, Margaret Wiener, Brian Wondrack, Martha Stancil and Paul Malmud, regarding the above-referenced proceedings. The oral presentation in these meetings was consistent with the pleadings and *ex partes* filed on behalf of MetroPCS in the above-referenced proceedings, as further supplemented below.

MetroPCS strongly supported the Commission's recognition that additional broadband spectrum is needed in both the near term and the long term for commercial mobile wireless services. MetroPCS indicated that there is a particularly acute need for paired spectrum below 3.5 GHz to meet demand. To address the need, MetroPCS recommended that the Commission adopt service rules for, and auction the spectrum it currently has available, in the AWS-2 and AWS-3 Blocks as soon as possible. MetroPCS also encouraged the Commission to actively explore pairing 20 MHz of spectrum in the 1755-1780 MHz band with the 2155-2175 MHz AWS-3 Block, and that it be channeled into four 10 MHz paired channels (5 MHz by 5 MHz) channels and auctioned at the same time as the AWS-2 H and J Blocks, if the reallocation could be accomplished quickly.

MetroPCS also advocated reviewing the Mobile Satellite Service ("MSS") allocations with an eye toward making some or all of such spectrum available by auction for commercial terrestrial mobile services.

MetroPCS stated that it was critical for the licensing rules in any forthcoming auction to be designed to encourage the broader dissemination of licenses than occurred in the 700 MHz band auction in which nearly \$16 billion of the \$19.6 billion worth of licenses were

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acquired by the two largest wireless companies. Specifically, MetroPCS discussed the details of its sliding discount scale proposal -- the Broadband Incentive Discount (BID) program -- it set forth in its comments to the Commission's Innovation *Notice of Inquiry*. In order to disperse spectrum more broadly, encourage new entry and increase competition, MetroPCS has proposed an auction scheme which grants various bidding credits to qualified applicants in inverse proportion to the amount of attributable spectrum that the applicant holds in the auctioned license territory. MetroPCS also discussed its proposal that incumbent carriers not be eligible to buy at auction spectrum that would cause them to trip the pre-auction competitive "screen" because of the difficulties involved in performing a full and proper competitive analysis in the context of an auction application.

Kindly refer any questions in connection with this letter to the undersigned.

Respectfully submitted,



Carl W. Northrop
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: (via email) John Leibovitz
Peter Daronco
Paul D'Ari
Margaret Wiener
Brian Wondrack
Martha Stancil
Paul Malmud
Leon "Stagg" Newman