HOGAN & HARTSON

Hogan & Hartson LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
+1.202.637.5600 Tel
+1.202.637.5910 Fax

www.hhlaw.com

December 11, 2009

Michele C. Farquhar
Partner
202-637-5663
mcfarquhar@hhlaw.com

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation
ET Docket Nos. 02-380, 04-186; GN Docket No. 09-51;
WTB Docket No. 07-121

Dear Ms. Dortch:

On December 10, 2009, Sprint Nextel Corporation ("Sprint Nextel") representatives Trey Hanbury, Director, Government Affairs; Richard Engelman, Director, Spectrum Resources-Government Affairs; and Michele Farquhar of Hogan & Hartson, LLP, Counsel to Sprint Nextel, met with Blaise Scinto, John Schauble, Charles Oliver, and Lisa Gelb from the Wireless Telecommunications Bureau; and Arnab Das and Tom Peters from the Office of Strategic Planning and Policy Analysis.

During the meeting, the Sprint Nextel representatives briefly noted the attached one-page summary of the company's proposals to expedite and advance wireless broadband deployment, innovation and investment in the FCC's broadband policy proceedings. Sprint Nextel specifically discussed its proposals to facilitate the availability of cost-effective backhaul in certain areas through allowing limited licensing of the TV White Spaces for fixed, point-to-point services and through authorizing use of the microwave dark spaces based on Sprint Nextel's refinement of Wireless Strategies Inc.'s pending proposal. Sprint Nextel's presentation materials on these topics are attached.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed via ECFS with your office.

Respectfully submitted,

/s/ Michele C. Farquhar

Michele C. Farquhar
Counsel to Sprint Nextel Corporation

cc: Blaise Scinto
John Schauble
Charles Oliver
Lisa Gelb
Arnab Das
Tom Peters

SPRINT NEXTEL BROADBAND POLICY PROPOSALS

GN Docket Nos. 09-51, 09-157; WT Docket No. 09-66

Key Steps to Advance Wireless Broadband Deployment, Innovation and Investment:

- ***Address Special Access Market Failures and Facilitate Middle Mile Alternatives***
- ***Adopt Final Rules and Auction 50 MHz of Spectrum Ready for Licensing***
- ***Timely Enforce Relocation, Cost Recovery and Technical Rules to Promote Deployment***
- ***Promote Technologically and Competitively Neutral Flexible Use Policies***

Facilitate the Availability of Cost-Effective Backhaul and Timely Tower Siting

- Reform the Special Access Market to Improve Rates, Terms, and Conditions
- Enable Innovative Backhaul Alternatives (TV White Spaces, Microwave Dark Spaces)
- Adopt Tower Siting "Shot-Clock" Proposal and Prohibit Exclusionary Siting Practices

Unleash Spectrum for Commercial Mobile Broadband Use

- Assign the 50 MHz in the FCC's "Spectrum Warehouse" ASAP
- Reassign or Reallocate at Least 20 MHz of the 2 GHz MSS Spectrum
- Resolve the SDARS/WCS Proceeding to Unleash WCS Spectrum
- Allow Limited Licensing of the TV White Spaces for Fixed Point-to-Point Services
- Authorize Use of Microwave Dark Spaces
- Develop Spectrum Test Beds, including in a Portion of the V-Band
- Identify and Allocate Additional Spectrum for Commercial Mobile Licensed Use
- Consider Network Efficiencies and Urban/Rural Factors In Assessing Spectrum Needs

Timely and Vigorously Enforce Relocation and Technical Rules

- Adopt Clear Spectrum Relocation Rules and Enforce Them Quickly and Consistently
- Ensure that All Beneficiaries of the Relocation Process Pay Their Fair Share of Costs
- Maintain Active and Timely Oversight of All Parties to the Relocation Process
- Enforce Existing Technical and Interference Rules
- Strengthen OOBE Limits for Unlicensed Devices

Continue Flexible and Efficient Licensing of Mobile Broadband Spectrum

- Continue and Expand Technologically and Competitively Neutral Flexible Use Policies
- Encourage More Efficient and Intensive Spectrum Use
- Avoid Authorizing Spectrum Underlays and Overlays
- Modify and Harmonize Build-out Deadlines

Adopt a Practical, Functional and User-Driven Definition of Broadband

- Adopt an Application-Based or "Basket" Approach Focused on the End-User Experience
- Encourage a Flexible, Practical Approach for Defining Mobile Broadband Services

Reform Intercarrier Compensation and Universal Service Regimes to Spur IP-Based Broadband Networks

Other

- Reduce the FCC's Environmental Impact by Completing Transition to Digital Records and Reward Carriers that Practice Good Environmental Stewardship
- Support and Encourage Innovative Business Models

Licensed, Fixed Use of the ***TV White Spaces***

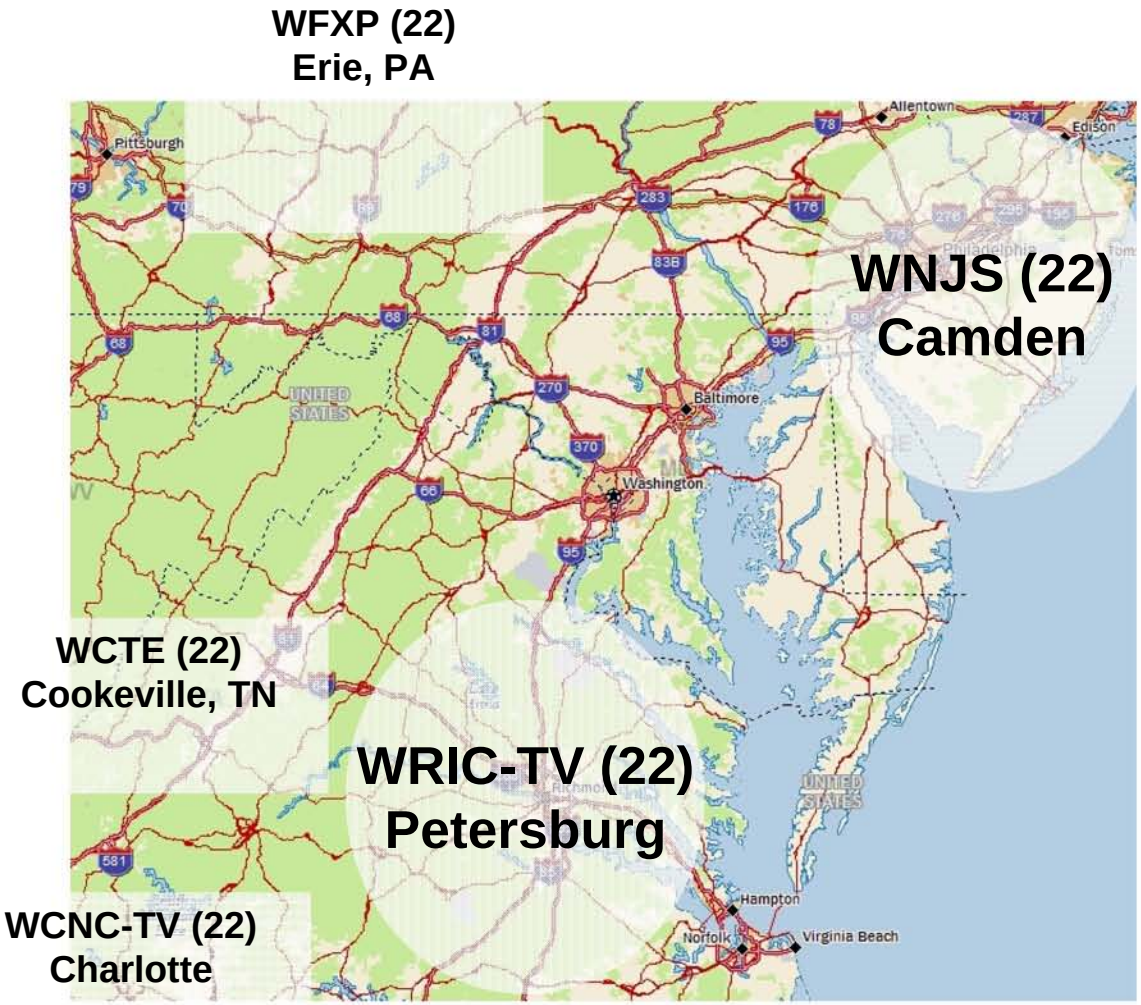
November 10, 2009

Sprint

COMPTEL

What is TV White Space?

- TV stations **must** operate at minimum separation distances to avoid interference
- TV “White Space” exists on frequencies and in locations where TV stations and other operations in the TV bands do not transmit



TV stations on Channel 22 near Washington, D.C.

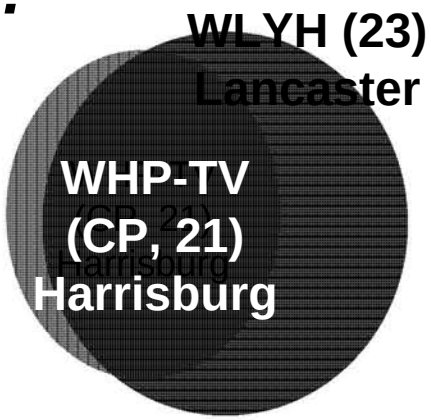
What is TV White Space?

- TV stations must operate at minimum separation distances to avoid interference
- TV “White Space” exists on frequencies and in locations where TV stations and other operations in the TV bands do not transmit

TV stations on Channel 22 near Washington, D.C.

What is TV White Space?

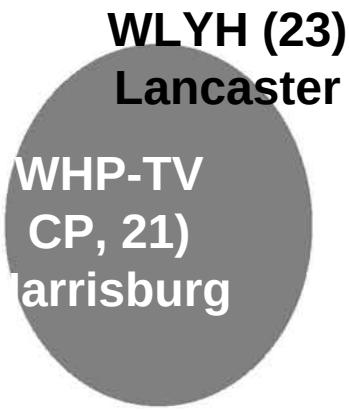
- TV station co-channel and adjacent channels must be protected
  - 1,785 TV stations nationwide



TV stations on Channels 21-23 near Washington, D.C.

What is currently in TV White Space?

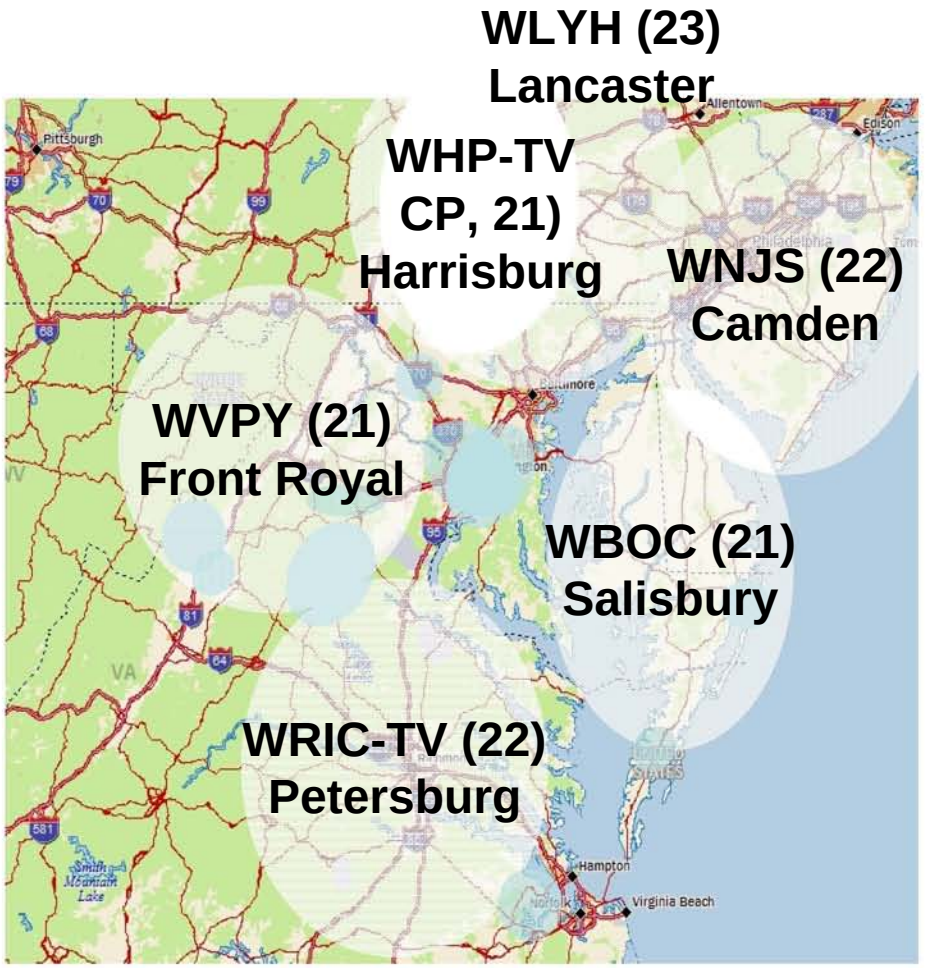
- TV station co-channel and adjacent channels must be protected
  - 1,785 TV stations nationwide
  - 2,939 Class A and LPTV stations
  - 4,391 TV Translators
- Approx. 300 broadcast auxiliary fixed links
- Cable TV head ends
- Land mobile radio services in 13 markets
- Offshore radiotelephone service along Gulf of Mexico
- Medical telemetry devices on TV channel 37
- Wireless microphones
- Soon, unlicensed TV band devices



TV stations on Channels 21-23 near Washington, D.C.

What is currently in TV White Space?

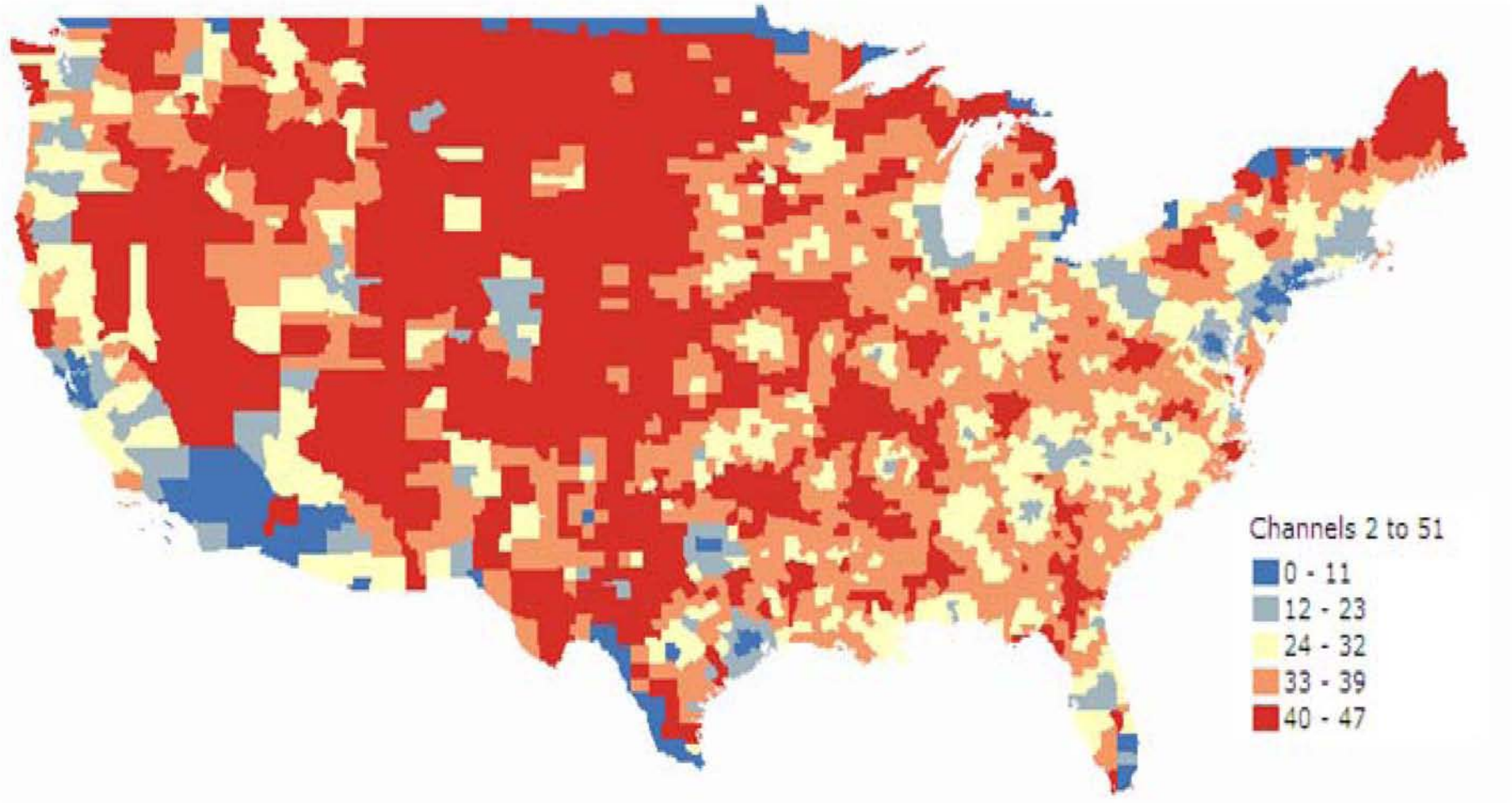
- TV station co-channel and adjacent channels must be protected
  - 1,785 TV stations nationwide
  - 2,939 Class A and LPTV stations
  - 4,391 TV Translators
- Approx. 300 broadcast auxiliary fixed links
- Cable TV head ends
- Land mobile radio services in 13 markets
- Offshore radiotelephone service along Gulf of Mexico
- Medical telemetry devices on TV channel 37
- Wireless microphones
- Soon, unlicensed TV band devices



TV stations on Channels 21-23 near Washington, D.C.

How Much TV White Space Exists?

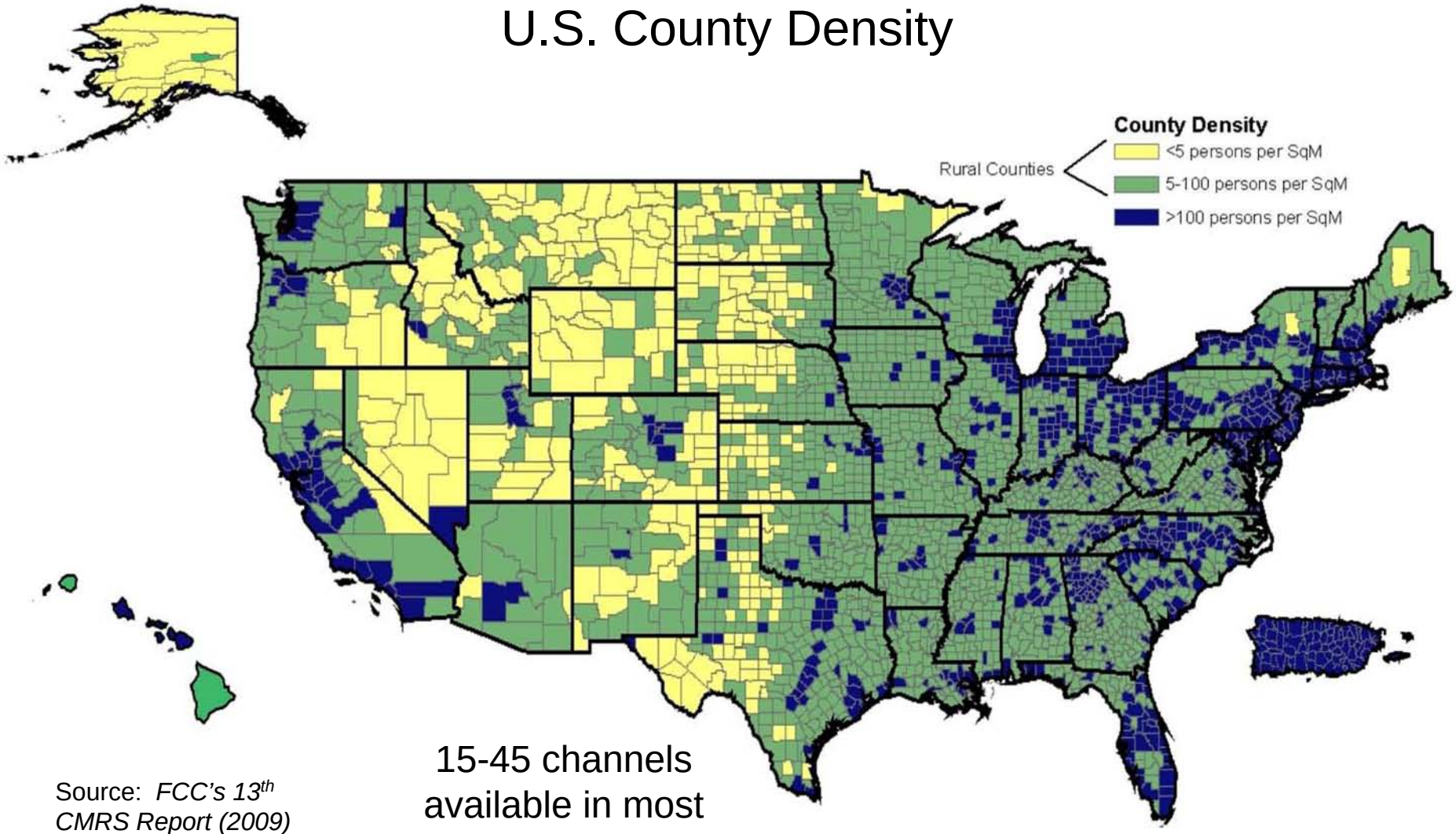
White Space Availability by County



Source: *Ex Parte Letter*, October 1, 2009, filed in ET Dkt. 04-186 by Wiltshire & Grannis LLP, on behalf of Dell, Inc., Microsoft Corp., and Spectrum Bridge Inc.

Substantial White Space in Rural Areas

U.S. County Density



15-45 channels available in most rural areas

Source: *FCC's 13th CMRS Report (2009)*

Chronology of Major Events

- October 18, 2006 – FCC releases First R&O/Further Notice inviting comment on licensed operations in TV bands
- October 2, 2007 – FiberTower and RTG file their "White Paper" proposing a licensed, fixed model
- January-October, 2008 – Sprint Nextel, T-Mobile, NTCA, COMPTEL, and the Rural Independent Competitive Alliance file letters of support
- June 25, 2008 – COMPTEL, RTG, Sprint Nextel, and FiberTower submit draft of proposed technical rules

Chronology of Major Events

- October 29, 2008 – RTG, COMPTEL, Sprint Nextel, and FiberTower submit revised proposed technical rules
- November 4, 2008 – FCC adopts Second R&O/MO&O
- March 19, 2009 – FiberTower, RTG, COMPTEL, and Sprint Nextel file Petition for Reconsideration
- June 12, 2009 – DTV transition completed
- July 14, 2009 – FiberTower, RTG, COMPTEL, and Sprint Nextel file Request for Expedited Consideration of their Petition for Reconsideration

Benefits of Licensed, Fixed Use

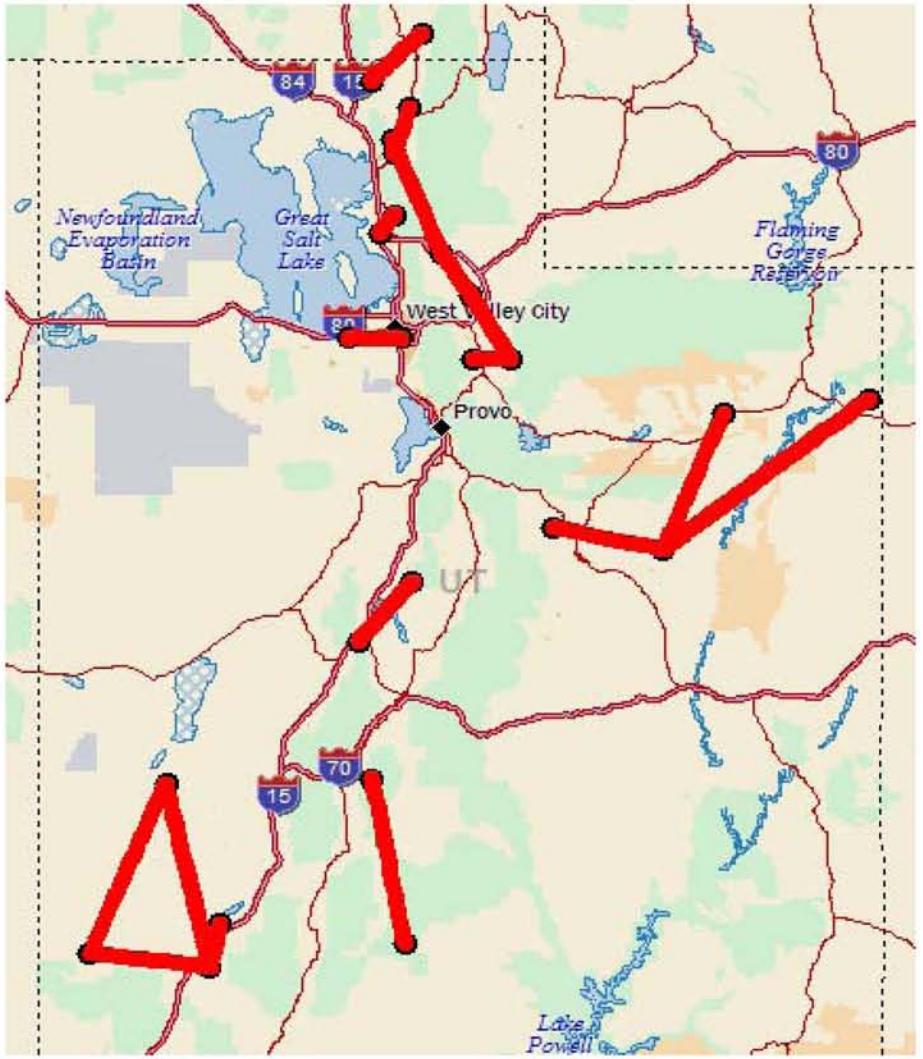
- Ideal for long-range, inexpensive wireless backhaul, particularly in rural areas
  - Current high cost of backhaul is a key factor limiting wireless broadband deployment in rural areas
- Equipment available now; would spur immediate broadband deployment to unserved and underserved rural areas and benefit consumers directly
- Fosters regulatory certainty and protects incumbent users, particularly broadcasters
- Other unlicensed or licensed uses not precluded

Licensing

- Site-by-site basis under Part 101
- Only on UHF TV Channels 21-35 (512-596 MHz) and 39-51 (620-698 MHz)
- Make available six vacant channels in rural counties; must be 2nd or greater adjacent channel to TV broadcast station
- Also make available 3rd or greater adjacent channels in all counties

TV Band Links in Use Today

- 25 licensed TV band fixed links in Utah:
  - range in length from 11.7 km (7.3 mi.) to 131.3 km (81.6 mi.)
  - six links longer than 65 km (40 mi.)
  - average length is 51 km (32 mi.)



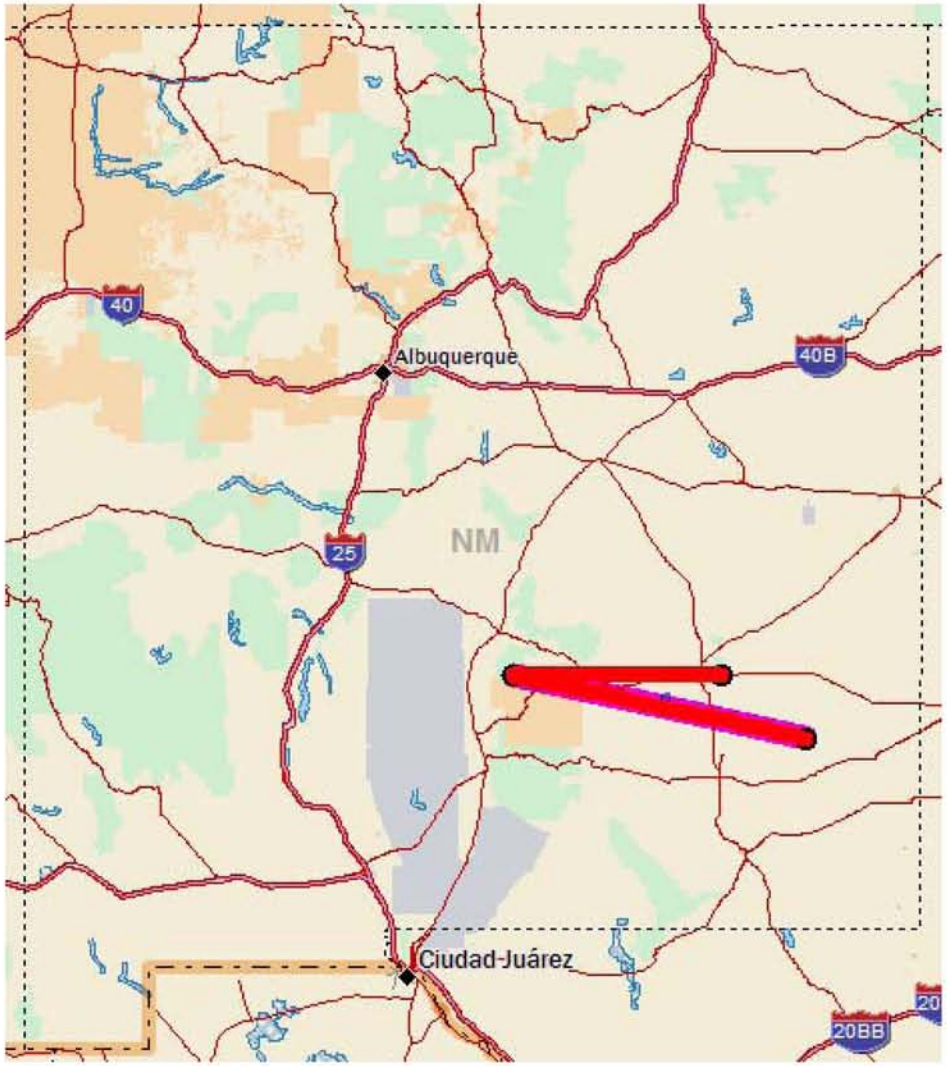
DeLORME
Data use subject to license.
© 2006 DeLorme. Topo USA® 6.0.
www.delorme.com

km
0 30 60 90 120 150 180
Data Zoom 5-2

Longest TV Band Link (116 mi.)

WPNI810:

- TV intercity relay, formerly licensed to Acme Television License of New Mexico
- two paths
- Buck Peak/Ruidoso to Roswell, 130 km (81 mi.)
- Buck Peak/Ruidoso to rural Chaves County, 186.5 km (116 mi.)
- Both use 62 dBm EIRP and 18 dBi gain antennas
- Buck Peak 2700 m higher elevation than rural Chaves County path end



TV Band Path Lengths

- With urban power limits (24 dBW/6 MHz), modeling indicates path lengths of ~40 miles w/ 99.995% reliability
- With rural power limits (35 dBW/6 MHz), modeling indicates path lengths of ~70 miles w/ 99.995% reliability
  - Distances can be greater from mountain-top locations
  - Distances can be shorter depending on terrain roughness and multipath conditions
  - Rain fading and atmospheric absorption not a factor at UHF (but are factors for microwave bands)

TV Band vs. Microwave Antennas

Smaller, Lighter, Less Expensive

KATHREIN
SCALA DIVISION

PR-TV series
PARAFLECTOR® ANTENNA
15.5 to 17 dBd gain
470 to 862 MHz

PR-TV	Antenna	HP10-107-D1A
1.7 X 0.9 m (68” X 36”)	Size	3 m (10 ft) diameter
38 lb.	Weight	575 lb.
$1,664 for two, plus installation	Cost	$26,960 for two, plus installation

ANDREW
A CommScope Company

HP10-107-D1A
Parabolic Shielded Antenna
48 dBi
10.2-10.7 GHz

Microwave Path Lengths

Using FCC's ULS database for Utah

Band	# Links	Avg. Length (km)	Max. Length (km)	Ant. Gain (dBi)	Ant. Size (Feet)
UHF TV	25	51.1	186.5	16-18	3'x5.5'
6 GHz	1,652	51.6	166	38.8-46.4*	6'-15'
11 GHz	682	25.1	99.7	33.7-49.8	4'-10'
18 GHz	318	11.9	48.1	30-48.5	8'
23 GHz	176	4.2	20	30-46.9	1'-4'

- 32 links > 130 km (80 mi.): all use 42-45.6 dBi gain antennas (10'-15')
- 313 links w/6' antennas: avg. len. 32 km, max 100 km

Spectrum Usage – What's Available

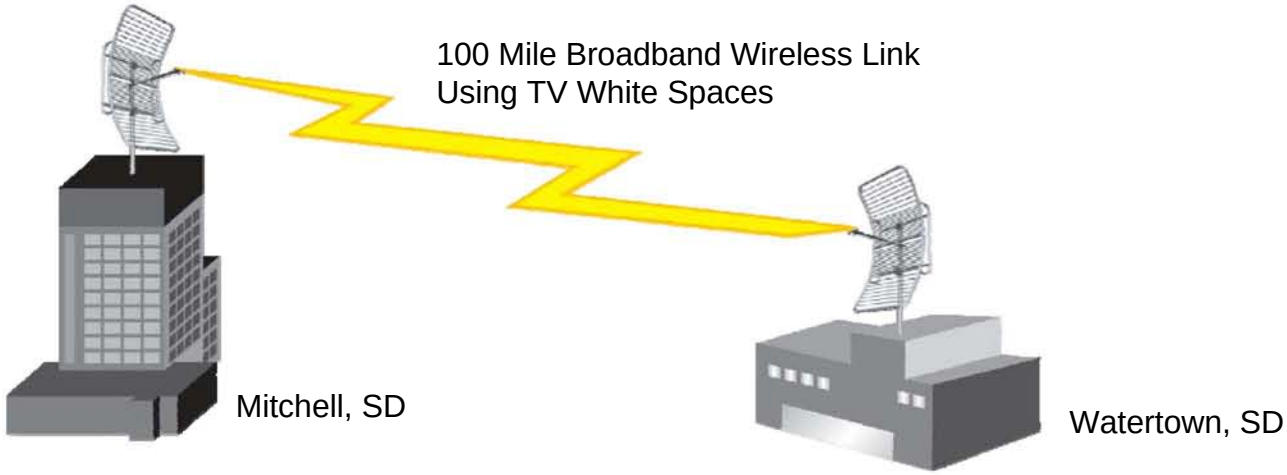
Frequencies	Typical Path Length	Maximum Channel Bandwidth	Maximum Channel Capacity (typical)	Minimum Dish Diameter	Typical Weight, including mount
400 – 700 MHz (in Progress)	30 - 75+ Miles	6 MHz	25 Mbps*	< 3x6 Ft (smaller available for different applications)	< 35 lbs
4 GHz	20+ Miles	20 MHz	DS-3+	8 Ft	500 lbs
6.1 GHz	20+ Miles	30 MHz	OC-3	6 Ft	360 lbs
6.7 GHz	20+ Miles	10 MHz	DS-3	6 Ft	360 lbs
10 GHz	10 Miles	5 MHz	16 x T1	2 Ft	33 lbs
11 GHz	8 Miles	40 MHz	OC-3	2 Ft	33 lbs
18 GHz	4 Miles	80 MHz	OC-3, OC-3+	2 Ft	33 lbs
23 GHz	2 Miles	50 MHz	OC-3	1 Ft	21 lbs
24 / 39 GHz	1.5 Miles	200-700 MHz	1 Gbps	9" (in market)	< 20 lbs

* Assumes 64 QAM. 50 Mbps achievable by using two 6 MHz TV channels or two antennas with different polarizations;
1 > 40 Mbps may be achievable with 128 QAM over shorter distances

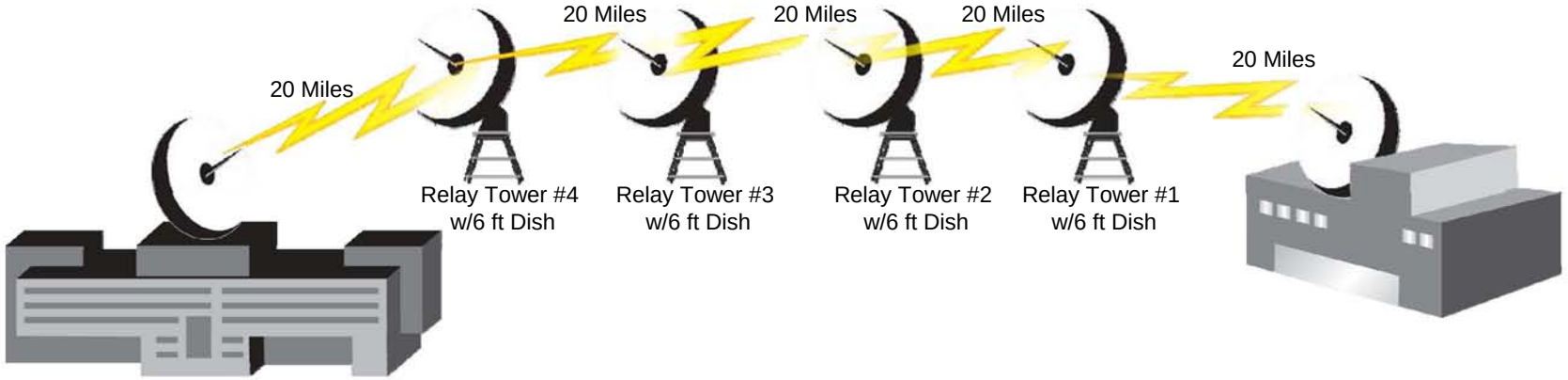
Data Rates

- When received signal-to-noise ratio is sufficient, links would be able to operate with up to 128 QAM (maximum data rate ~ 41 Mbps in 6 MHz channel)
  - 64 QAM likely to be more typical; max. data rate ~ 28 Mbps gross, and 20-25 Mbps net after coding
  - Rate could be doubled by using dual polarization
  - Rates could be less for longer links with low received signal-to-noise ratio

100 Mile Broadband Connection Comparison

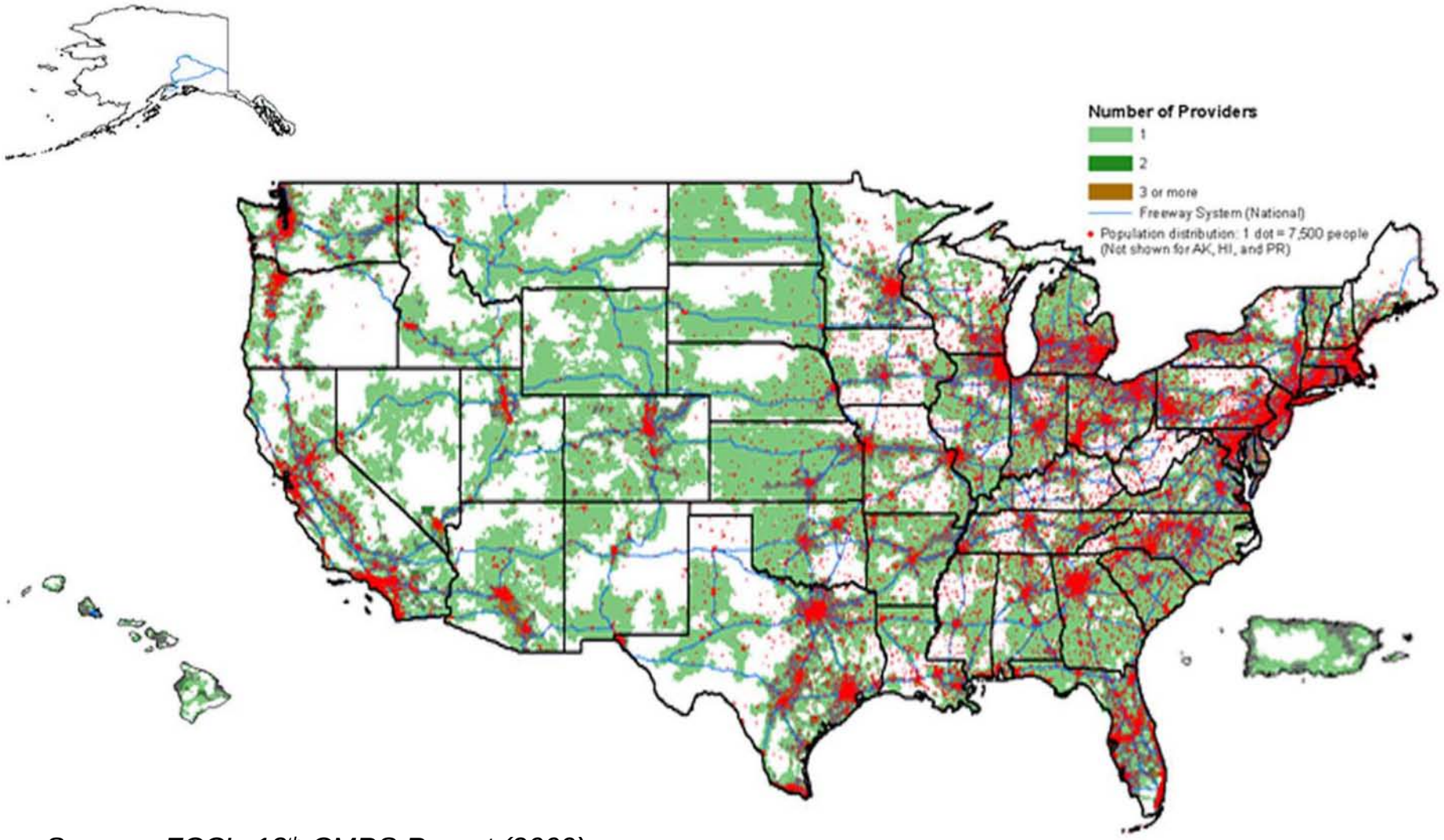


100 Miles using TV White Spaces (450-698 MHz): Small lightweight grill-style antenna fits on building/tower. Cost <$100,000 - $200,000



6 GHz or 3.65 GHz. Total cost: >$3 million. Fiber Optic costs even more!

Population Areas w/o Mobile Broadband



Source: *FCC's 13th CMRS Report (2009)*

Proposed Technical Rules for Licensed, Fixed Use of TV White Spaces

October 26, 2009

Summary of Proposed Rules

1) **Part 101 Site-Based Licensing:** Fixed use would be licensed on a site-by-site basis under Part 101. Applicants would be subject to frequency coordination with other Part 101 fixed service licensees, pursuant to procedures outlined in Section 101.103(d). Applicants also would need to demonstrate that their proposed Part 101 fixed operations will protect existing primary and secondary incumbents in other services, as discussed below. The licenses would be granted for ten-year, renewable terms, and each licensed site would need to be placed in operation within eighteen months of licensing.

2) **Frequencies/Channels:** Fixed use would be licensed only on UHF TV Channels 21-35 (512-596 MHz) and 39-51(620-698 MHz). Fixed use channels would be 6 MHz wide and align with the UHF TV channels. In rural counties, six vacant channels second or greater adjacent to a TV broadcast station licensed under Part 73, Subpart E would be made available for licensed, fixed use provided such use would protect existing incumbents in other services as discussed below.[1] In addition, in all counties, all vacant channels third or greater adjacent to a TV broadcast station licensed under Part 73, Subpart E would be made available for licensed, fixed use provided such use would protect existing incumbents in other services as discussed below. Fixed use operations also could be licensed in other unserved and underserved areas where spectrum remains unused, as determined by the FCC. The designation of urban and rural counties would be based on existing PCS and cellular rules (*i.e.*, rural counties are counties that have population densities of 100 persons or fewer per square mile, based upon the most recently available population statistics from the Bureau of the Census. *See, e.g.*, Section 24.232(b).).

Contiguous channels, if available, may be aggregated to obtain a bandwidth greater than 6 MHz. For contiguous channel applications, the applicant must submit as part of the original application a detailed plan indicating how the bandwidth requested will be utilized. In particular, the application must contain detailed descriptions of the modulation method, the total data throughput (specified for each link), the channel time sharing method (if applicable), and any error detecting and/or correcting codes. Further, any contiguous channel applications must include a separate analysis of the spectrum efficiency, including both information bits per unit bandwidth and the total bits per unit bandwidth.

3) **Power Limit:** On any authorized frequency, the average power delivered to an antenna in this service will be the minimum amount of power necessary to carry out the communications desired. The average EIRP on any authorized frequency would be limited to 24 dBW/6 MHz in urban counties and 35 dBW/6 MHz in rural counties.

[1] There may be rare instances of rural areas that have few vacant channels, and the Commission could limit the total channels available for licensed, fixed operations in such areas to no more than one-half of the second or greater adjacent channels.

4) **Antenna Requirements**: Vertical polarization, horizontal polarization, and cross polarization would be allowed. If multiple polarization modes are used on the same frequency at the same location, the maximum permitted average EIRP would be reduced to keep the total power limited to 24 dBW/6 MHz in urban counties and 35 dBW/6 MHz in rural counties. The transmitting antenna must comply with the following antenna standards, which would apply in both the azimuth (horizontal) and elevation (vertical) planes:

Maximum beamwidth to 3 dB points: 25º
Minimum antenna gain: 15 dBi
Minimum radiation suppression from centerline of main beam:

15º - 20º	4 dB
20º - 25º	7 dB
25º - 30º	11 dB
30º - 40º	15 dB
40º - 55º	20 dB
55º - 150º	25 dB
150º - 180º	30 dB

5) **Protection of Other Operations in the Band:** Licensed, fixed use would be secondary to, and would be required to protect, all current and future "full service" TV broadcast stations (*i.e.*, stations licensed pursuant to Subpart E of Part 73) and Class A TV broadcast stations (*i.e.*, stations licensed pursuant to Subpart J of Part 73). Licensed, fixed use would share co-secondary status with analog and digital low-power TV ("LPTV") stations, TV translators, TV booster stations, TV studio transmitter links ("STLs"), TV relay stations, TV translator relay stations, and Low Power Auxiliary Services stations (*e.g.*, wireless microphones). Secondary status stations generally would be protected from other secondary stations on a "first come, first served" basis, *except that* licensed, fixed use would protect LPTV stations, TV translators, and TV booster stations filed during a limited filing window, as discussed below.

a. **Existing Part 73, Subpart E TV Broadcast Stations**. Licensed, fixed operations would be required, at a minimum, to protect co-channel and first-adjacent channel TV broadcast stations, just as DTV broadcast stations must protect each other. That is:

- Licensed, fixed co-channel or adjacent-channel operational endpoints and the path length between endpoints would not be permitted within the 41 dBµV/m noise-limited service area contour of a DTV broadcast station, as defined in Section 73.622(e).
- Licensed, fixed operations may not exceed, at any location within the DTV broadcast station's noise-limited service area contour, the desired-to-undesired (D/U) signal ratio thresholds contained in Section 73.623(c)(2) for co-channel DTV-into-DTV (D/U of +15 dB), lower first-adjacent channel DTV-into-DTV (D/U of -26 dB), and upper first-adjacent channel DTV-into-DTV signals (D/U of -28 dB).
- Licensed, fixed operations that operate with endpoints with antenna height above average terrain ("HAAT") less than 152 meters (500 ft.) can demonstrate the necessary D/U protections by providing a minimum

buffer distance of 19.3 kilometers (12 miles) from all adjacent channel DTV broadcast station noise-limited service area contours (adjacent channel frequencies based on -28 dB protection for DTV broadcast stations) and a minimum buffer distance of 67.6 kilometers (42 miles) from all co-channel DTV broadcast station noise-limited service area contours (co-channel frequencies based on 15 dB protection for DTV broadcast stations).

b. **Existing Part 73 Subpart J Class A TV Broadcast Stations.** Licensed, fixed operations would be required, at a minimum, to protect co-channel and first-adjacent channel Class A TV broadcast stations, just as Class A TV broadcast stations must be protected from other TV stations. Thus, Part 73 Subpart J Class A TV broadcast stations must receive, from licensed fixed operations, protections that meet or exceed the Class A protections articulated in Sections 73.6012-73.6019.

c. **New DTV Broadcast and DTV Broadcast Station Maximization/Relocation Requests**. New licensed, fixed stations may not object to, and must protect, any new "full power" DTV station or an existing DTV station's maximization or relocation request. However, if a new DTV station, or maximization or relocation of an existing DTV station, is implemented after June 12, 2011, then the DTV licensee must provide at least 120 days' advance notice of such changes to the fixed service licensee to ensure that the fixed service licensee's network is reconfigured as necessary. Class A station facility change/relocations shall receive, from licensed fixed operations, protections that meet or exceed the Class A protections articulated in Sections 73.6012-73.6019.

d. **LPTV, TV Translators, and TV Booster Stations**. New licensed, fixed stations must protect all existing LPTV, TV translators, and TV booster stations as well as the following "grandfathered" secondary stations:

- all LPTV, TV translators, and TV booster stations in operation by June 12, 2010;
- all LPTV, TV translators, and TV booster stations that have been granted construction permits by June 12, 2010; and
- all LPTV, TV translators, and TV booster stations for which applications are filed in the first six months after the opening by the FCC of a new application filing window, provided such window opens no later than June 12, 2011.

Licensed, fixed co-channel or adjacent-channel operational endpoints and the path length between endpoints would not be permitted within a 8 kilometer (5 mile) buffer surrounding the "grandfathered" station's 74 dBμV/m noise-limited service area contour.

e. **Low-Power Auxiliary Stations, Including Wireless Microphones**. Licensed, fixed stations must coordinate with Low-Power auxiliary stations whose locations are registered with the FCC or frequency coordinators. In order to accommodate the temporary and/or transient use of Low-Power Auxiliary Stations, licensed, fixed devices will also: 1) not operate on UHF TV Channels 36 through 38 nor in the first-adjacent channels to DTV stations; 2) provide a 30-day coordination notice, prior to system turn-up, to any previously-registered wireless microphone and production venues within 8

kilometers (5 miles) of the fixed link path and its endpoints. Any potential frequency interference issues that arise from the coordination notice will be worked out by the parties affected.

f. **Medical Devices and Healthcare Facilities**. Licensed, fixed stations are prohibited from operating on Channel 37, which is set aside for radio astronomy and wireless medical telemetry service ("WMTS") use, and on the first-adjacent Channels 36 and 38.

g. **TV STL and Relay Links**. Licensed, fixed stations must protect existing TV STL and relay links, as well as "grandfathered" TV STL and relay links, in operation by June 12, 2010. New TV STL and relay links authorized after June 12, 2010 would need to be coordinated with and protect previously-existing fixed, licensed stations or obtain the consent of the fixed station licensee to operate. However, every effort should be made to accommodate coordination requests from TV STL and relay links that must be moved to another channel as a result of the DTV transition.

h. **Other Licensed, Fixed Operations**. Any pre-existing licensed, fixed operations shall receive coordination protection in accordance with Section 101.103 frequency coordination procedures.

i. **Cable Television Operations**. The cable industry will establish a voluntary database of CATV headends which will include, at minimum, the latitude and longitude of each headend, a list of the over-air television stations which are received there, and the azimuth direction towards which the receiving antenna for each television station is pointed. Licensed, fixed stations must adequately protect against interference with reception of over-air television programming at any headend listed in the database. This may be demonstrated by coordination with each individual headend for which the technical design of the licensed, fixed station predicts that the field strength of the licensed, fixed station, as measured at the headend location, will be greater than +19 dBµV/m on any over-air television channel that is received at a given headend or greater than +75 dBµV/m on any channels that are adjacent to any channel received at the same headend.

Adequate protection will be demonstrated if the signal of the licensed, fixed station is at least 23 dB below the same-channel over-air television signal as received at the headend, and no greater than 33 dB higher than higher or lower adjacent channels of such signals as received at the headend, as measured at the downlead of the headend receiving antenna used for the desired station. The over-air signal strength reference for this comparison will be that which is achieved 99% of the time as determined by extended signal level tests.

j. **Television Receiver Direct Pickup**. In general, licensed, fixed operations shall be designed to produce no more than 99 dBµV/m at the external wall of any building where a television receiver is likely to be located (*e.g.*, residences, apartment buildings, office buildings). The field strength from a licensed, fixed operation can be calculated considering a number of factors, including the following: path loss (distance from

transmitter), transmitter power, antenna gain/suppression at the relevant angle, and terrain attenuation.

6) **Protection from TV Bands Devices:** Licensed, fixed use would receive interference protection from unlicensed TV Bands Devices ("TVBDs") pursuant to the same framework that the FCC has adopted for Broadcast Auxiliary Services links under 47 C.F.R. § 15.712(c). Thus, for licensed, fixed use point-to-point receive sites appearing in the Commission's Universal Licensing System, TV Bands Devices may not operate within an arc of +/-30 degrees from a line between the licensed, fixed use receive site and its associated permanent transmitter within a distance of 80 km from the receive site for co-channel operation and 20 km for adjacent channel operation. Outside this +/-30 degree arc, TVBDs may not operate within 8 km from the receive site for co-channel operation and 2 km from the receive site for adjacent channel operation. The transmitter and receiver coordinates, channel number, and call sign for each new site-based point-to-point link will be added to the TV bands database.

Sprint
Together with NEXTEL

Sprint Nextel
2001 Edmund Halley Drive
Reston, VA 20191
Office: (703) 433-8124 Fax: (703) 433-4142
Mobile: (703) 867-0929

March 12, 2009

Notice of Oral *Ex Parte* Communication

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

Re: *Request for Declaratory Ruling By Wireless Strategies, Inc., Regarding Coordination of Microwave Links Under Part 101 of the Commission's rules*, WTB Docket No. 07-121

Dear Ms. Dortch:

On behalf of Sprint Nextel Corporation, I met yesterday with James Schlichting, Blaise Scinto, Joel Taubenblatt, Sandra Danner, David Hu, John Spencer, and Stephen Buenzow of the Wireless Telecommunications Bureau, and Julius Knapp and Ira Keltz of the Office of Engineering and Technology. Also attending the meeting were Michael Mulcay and Frank Bucceri of Wireless Strategies Inc., and their counsel Thomas Dougherty Jr.

At the meeting, I reiterated Sprint Nextel's general goals that any changes to the point-to-point rules: (1) protect existing point-to-point microwave operations against harmful interference; (2) permit carriers to establish additional point-to-point links as needed over time to accommodate increased traffic and a growing appetite for data services; and (3) establish easier and more efficient coordination, licensing and use of the point-to-point spectrum.[1]

At the time Sprint Nextel filed its Reply Comments in this proceeding, Sprint Nextel expressed concern that WSI had provided insufficient technical and procedural information to assess the feasibility and interference potential of its proposals. During the pendency of this proceeding, however, WSI has provided a number of clarifications and elaborations that ensure that existing microwave operations will be protected against harmful interference and that additional point-to-point links can continue to be implemented in the future. In particular, WSI has indicated that:

- Each distributed radiating element (DRE) would be individually analyzed and prior coordinated under the current frequency coordination rules (47 C.F.R. § 101.103) to ensure that it would not cause interference to existing microwave licensees.

[1] *See* Reply Comments of Sprint Nextel Corporation, WTB Docket No. 07-121, August 20, 2007, at 2.

- Existing microwave licensees would be notified of the relevant technical details of the proposal, and given 30 days to respond to the notification pursuant to 47 C.F.R. § 101.103(d)(2).

- DREs could be added as a major modification to the existing microwave license only after the coordination process is completed.

- DREs would operate, after grant of the license modification, on a secondary basis with respect to other more traditional point-to-point microwave links. As such, DREs would not prevent the establishment of additional point-to-point links in the future.

Recent *ex parte* comments filed in this proceeding indicate that some parties in the wireless community continue to object to WSI's proposal. However, it appears that those comments are based on a misunderstanding of WSI's current proposal.[2] Hopefully, the details provided by WSI in yesterday's meeting (and contained in a separate *Ex Parte* filing by WSI) will address any significant concerns those parties may have.

Sprint Nextel now believes that WSI's current proposal can and should be granted by the Commission based on the additional coordination and operating conditions provided by WSI in this proceeding. WSI's proposal has the potential for permitting far more efficient use of the microwave spectrum, while also enabling licensees and users to implement microwave links on a less costly, better-scaled and more expedient basis.

Please contact me if you have any questions concerning this filing.

Sincerely,

Richard B. Engelman
Director, Spectrum Resources
Sprint Nextel Corporation

cc: James Schlichting
Blaise Scinto
Joel Taubenblatt
Sandra Danner
David Hu
John Spencer
Steve Buenzow
Julius Knapp
Ira Keltz

[2] *See*, for example, *Ex Parte* letter from the Fixed Wireless Communications Coalition (FWCC) dated February 27, 2009, which describes the WSI proposal incorrectly as "The WSI request to transmit from uncoordinated, unlicensed locations anywhere WSI so chooses." FWCC *Ex Parte* letter at 2.