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December 18, 2009

**Via ECFS**

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Ex Parte Letter  
PCS Spectrum Availability in Susquehanna County, Pennsylvania**

**A National Broadband Plan for Our Future  
GN Docket Nos. 09-51**

**Fostering Innovation and Investment in the Wireless Communications Market  
GN Docket No. 09-157**

**Wireless Competition Docket  
WT Docket No. 09-66**

Dear Ms. Dortch:

On December 17, 2009, on behalf of NEP Cellcorp, Inc. (“NEP”), I met with Charles Mathias of Commissioner Meredith Atwell Baker’s Office to discuss NEP’s ex parte letter filed on November 30, 2009 in the above-referenced proceedings seeking the FCC’s assistance in freeing up licensed but unused spectrum in Susquehanna County, Pennsylvania. Consistent with that filing, I explored the possibility of utilizing warehoused spectrum in a manner that better serves the public interest. I argued that spectrum is not owned by a licensee but entrusted to the licensee to serve the public interest and that in this particular instance the public interest was not being served. I generally discussed ways the FCC could conduct a spectrum inventory and suggested that licensees be required to file coverage maps depicting where they serve -- along the lines of the cellular coverage maps that were filed 5 years after the issuance of the license -- and that the FCC consider allowing unserved areas of 50 square miles or more to be made available for licensing if the current licensee fails to cover the license area after a set period of time. I noted that reliance on population-based coverage requirements leaves many rural areas unserved and that while there are many rural carriers that would like to provide service in those areas, they do not have access to spectrum to do so.

In NEP's case, 10 megahertz of PCS spectrum, obtained through a partitioning and disaggregation of the PCS A Block license, made it possible for rural Susquehanna residents to have mobile service for the first time; however, an additional 10 megahertz is needed to bring ubiquitous 3G service to the area. Without additional spectrum, NEP is unable to bring mobile broadband service to this underserved rural area. In developing the National Broadband Plan, the FCC must include provisions to better use underutilized spectrum and should not allow licensees to hoard spectrum currently licensed even if population build out benchmarks have been met. Spectrum is a scarce resource and must be put to the best use for the public – "no use" should not be considered "best use."

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed via ECFS with your office. If you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

*/s/ Caressa D. Bennet*

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