

LAWLER, METZGER, KEENEY & LOGAN, LLC

2001 K STREET, NW
SUITE 802
WASHINGTON, D.C. 20006

CHARLES W. LOGAN
PHONE (202) 777-7724

PHONE (202) 777-7700
FACSIMILE (202) 777-7763

December 2, 2010

Via Electronic Filing

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

Re: WT Docket No. 06-150, PS Docket No. 06-229, GN Docket No. 09-51,
RM-11592 – *Ex Parte* Notice

Dear Ms. Dortch:

Connect Public Safety Now (CPSN), formerly known as the Coalition for 4G in America, is a coalition of companies and organizations that support the auction of the Upper 700 MHz D Block as well as other initiatives to promote competition and public safety communications. CPSN met with the following Commission officials in four separate meetings on December 1, 2010: (1) Louis Peraertz of Commissioner Clyburn's office; (2) Rick Kaplan of the Chairman's office; (3) Charles Mathias and Rafi Martina of Commissioner Baker's office; and (4) John Giusti of Commissioner Copps' office. Participating for CPSN in some or all of these meetings were Trey Hanbury, Sprint Nextel Corporation; Eric Hagerson, T-Mobile USA, Inc.; Michael Lazarus, Paul, Hastings, Janofsky & Walker LLP, on behalf of MetroPCS Communications, Inc.; Russ Merbeth, Cricket Communications; Benjamin Moncrief, Cellular South, Inc.; Steven Berry and Rebecca Murphy Thompson, Rural Cellular Association; Carri Bennet, Bennet & Bennet, PLLC, on behalf of the Rural Telecommunications Group, Inc.; Cheryl Crate, Xanadoo Company; Michael Calabrese, New America Foundation; Matt Wood, Media Access Project; Andrew Rein, Access Spectrum, LLC; Kathleen Wallman, Wallman Consulting, LLC, on behalf of T-Mobile USA, Inc. and Xanadoo Company; and the undersigned, on behalf of Access Spectrum, LLC.

In each of these meetings, CPSN addressed the issues summarized in the attached slide presentation, copies of which were distributed to Commission staff attending the meetings. CPSN urged the Commission to expeditiously initiate rulemaking proceedings concerning:

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- (1) Promoting interoperability across the entire 700 MHz Band to ensure the development of a multiband commercial and public safety device ecosystem, as proposed in technical papers previously filed by the Coalition for 4G in America and in the petition for rulemaking filed on September 29, 2009, by the 700 MHz Block A Good Faith Purchasers Alliance in RM-11592;
- (2) Rules and procedures for implementing the Commission's statutory mandate under 47 U.S.C. § 337(a)(2) to auction the Upper 700 MHz D Block;
- (3) Implementation issues that would be raised in the event Congress passes legislation to reallocate the D Block to public safety communications; and
- (4) The proposal to combine the Upper 700 MHz A and D Blocks, with appropriate compensation to A Block incumbents, as set forth in prior filings by Access Spectrum, Xanadoo, and the Coalition for 4G in America.

Pursuant to section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), this letter is being submitted for inclusion in the public record in the above-referenced proceedings.

Sincerely,

/s/ Charles W. Logan

Charles W. Logan

Counsel to Access Spectrum, LLC

Attachment

cc: Rick Kaplan
Louis Peraertz
John Giusti
Charles Mathias
Rafi Martina

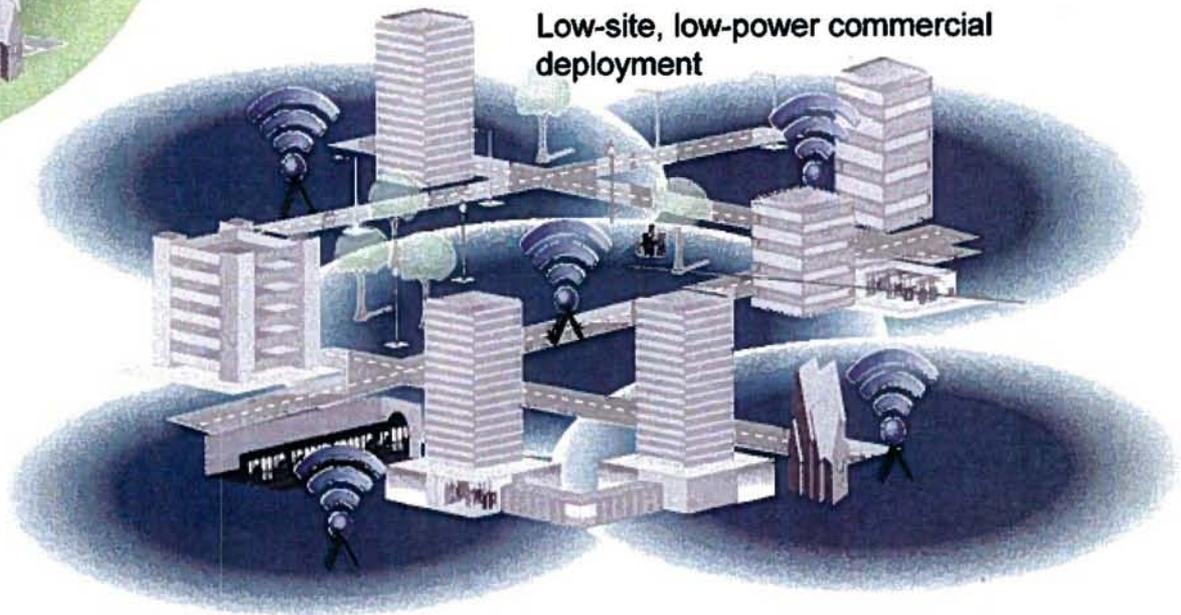
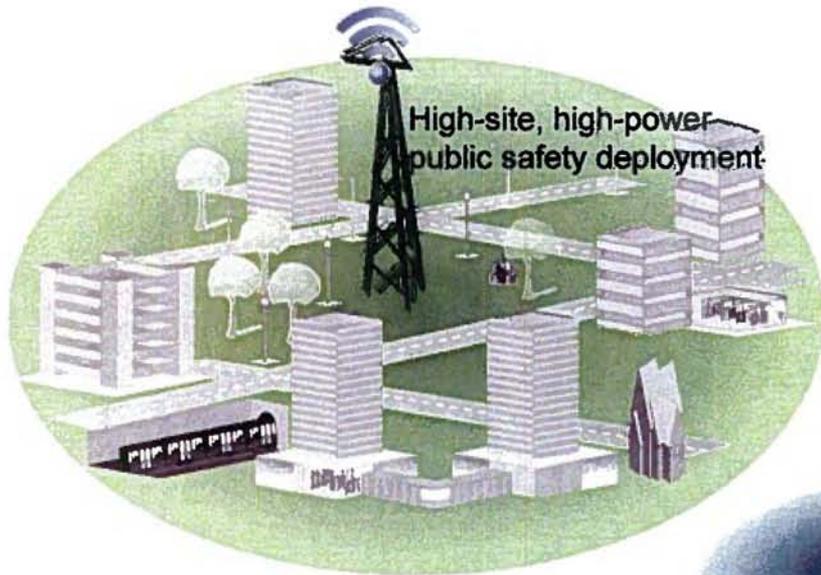
CONNECT
PUBLIC SAFETY
NOW

**Building a Robust Public Safety
Network with More Efficient
Use of Spectrum**

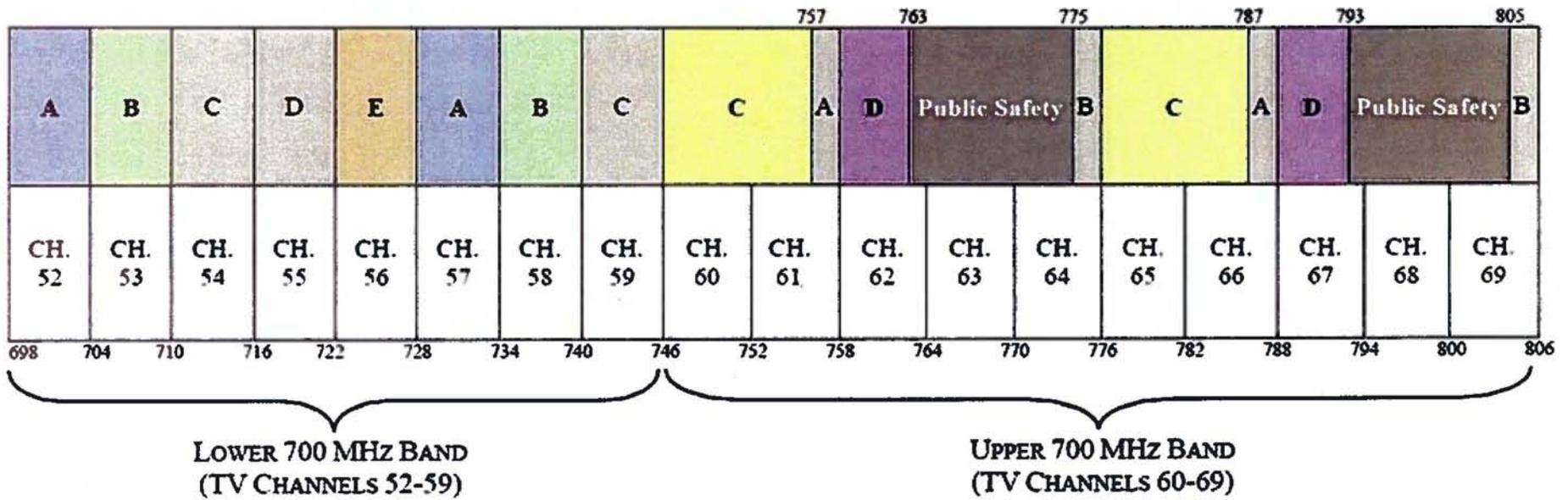
Connect Public Safety Now

December 1, 2010

Smaller Cell Sizes and Greater Cell Density Greatly Increase Capacity



700 MHz Band Plan



Source: FCC

700 MHz 3GPP Band Classes

Existing 3GPP Band Classes 13, 14 and 17

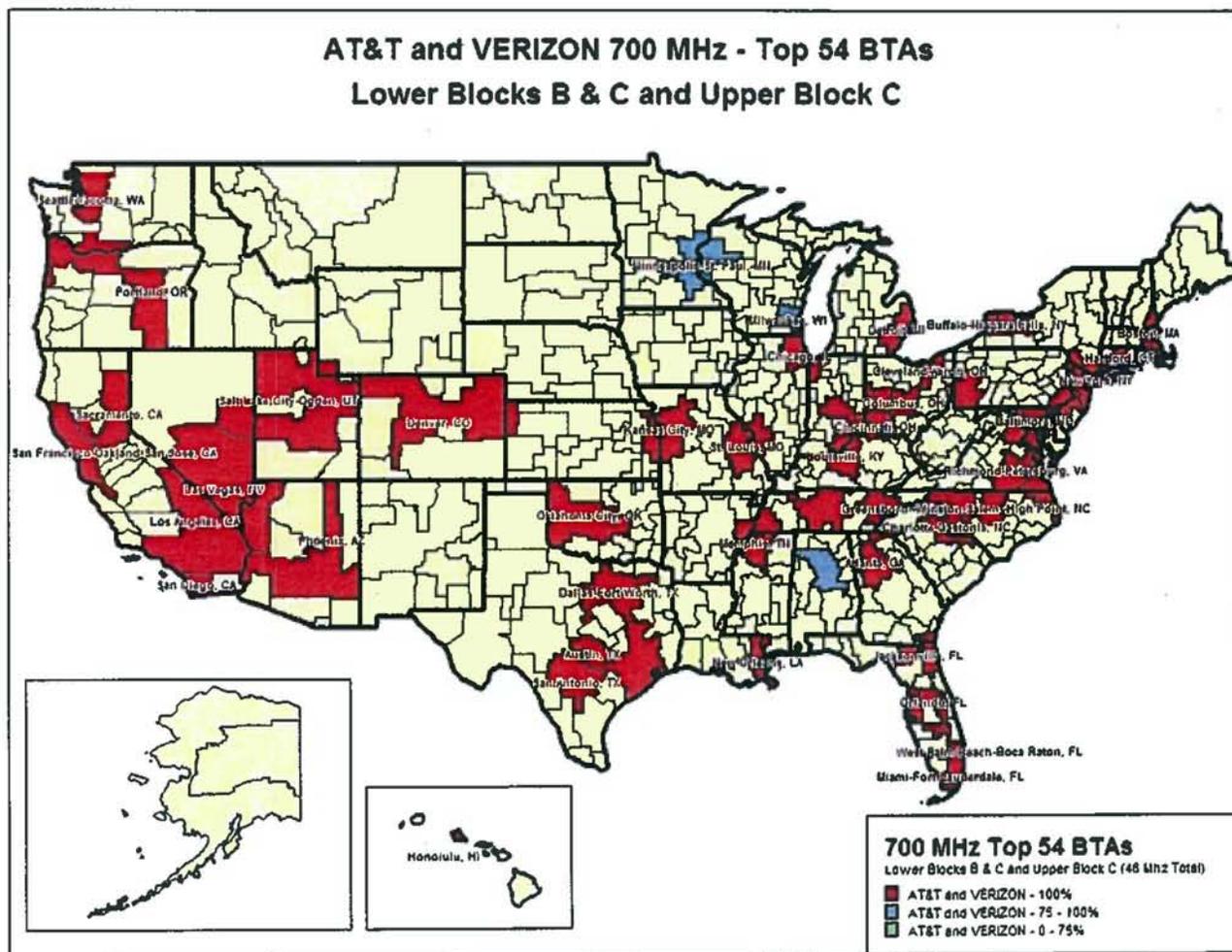
Lower Blocks (TV channels 52-59)					Upper Blocks (TV channels 60-69)														
Band 17 AT&T					Band 17 AT&T			Band 13 Verizon		Band 14			Band 13 Verizon		Band 14				
A	B	C	D	E	A	B	C	C	A	D	PS BB	PS NB	B	C	A	D	PS BB	PS NB	B
uplink			unpaired		downlink			downlink						uplink					

Coalition for 4G in America Proposed 700 MHz Paired Spectrum Bands

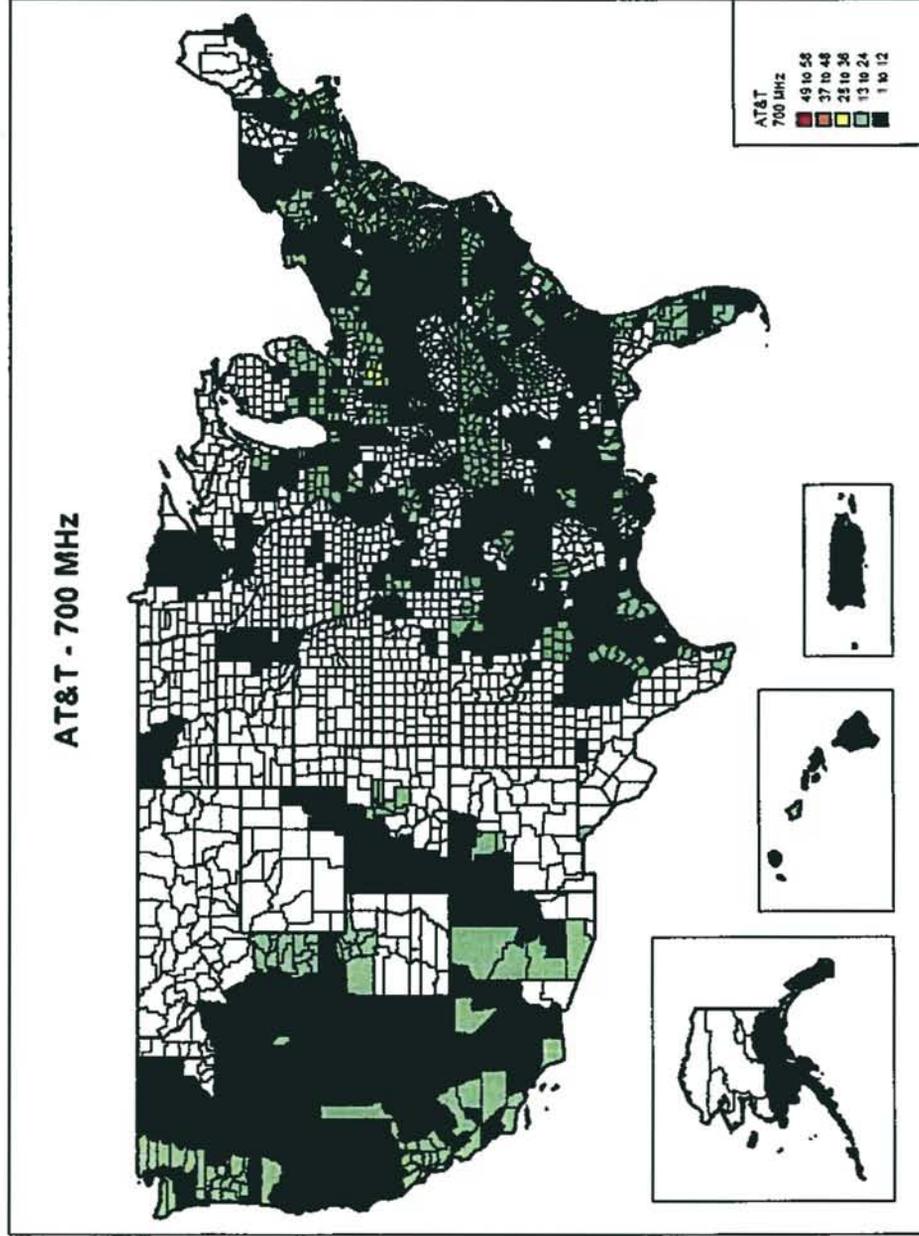
Lower Blocks (TV channels 52-59)					Upper Blocks (TV channels 60-69)														
Band 12					Band 12			New Upper Band				New Upper Band							
A	B	C	D	E	A	B	C	C	A	D	PS BB	PS NB	B	C	A	D	PS BB	PS NB	B
uplink			unpaired		downlink			downlink						uplink					

Source: RCA Commissioned Report: Peter Cramton, 700 MHz Device Flexibility Promotes Competition (2010)

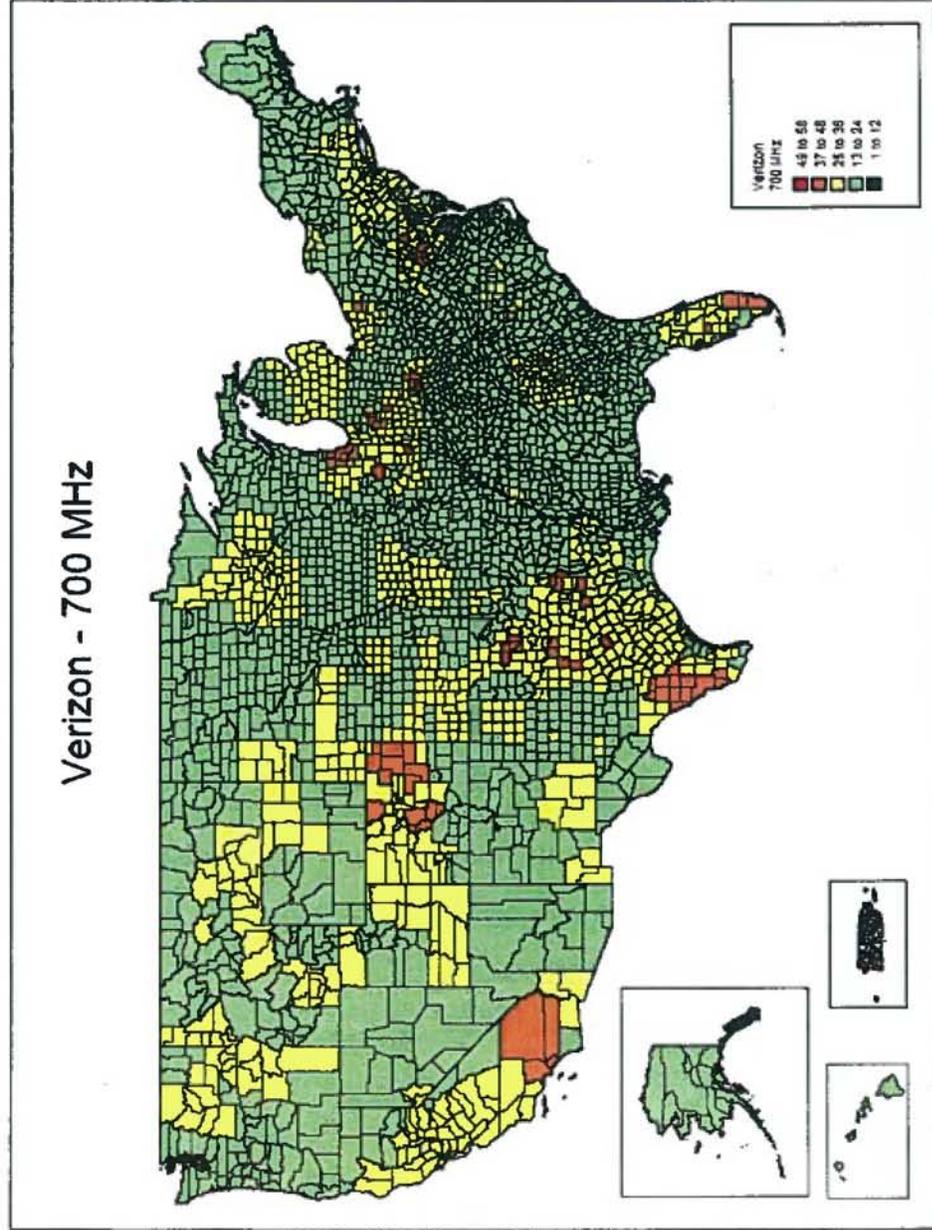
Spectrum Holdings, Band Classes Pit Public Safety Groups Against a Strong Duopoly



AT&T - 700 MHz



Verizon - 700 MHz



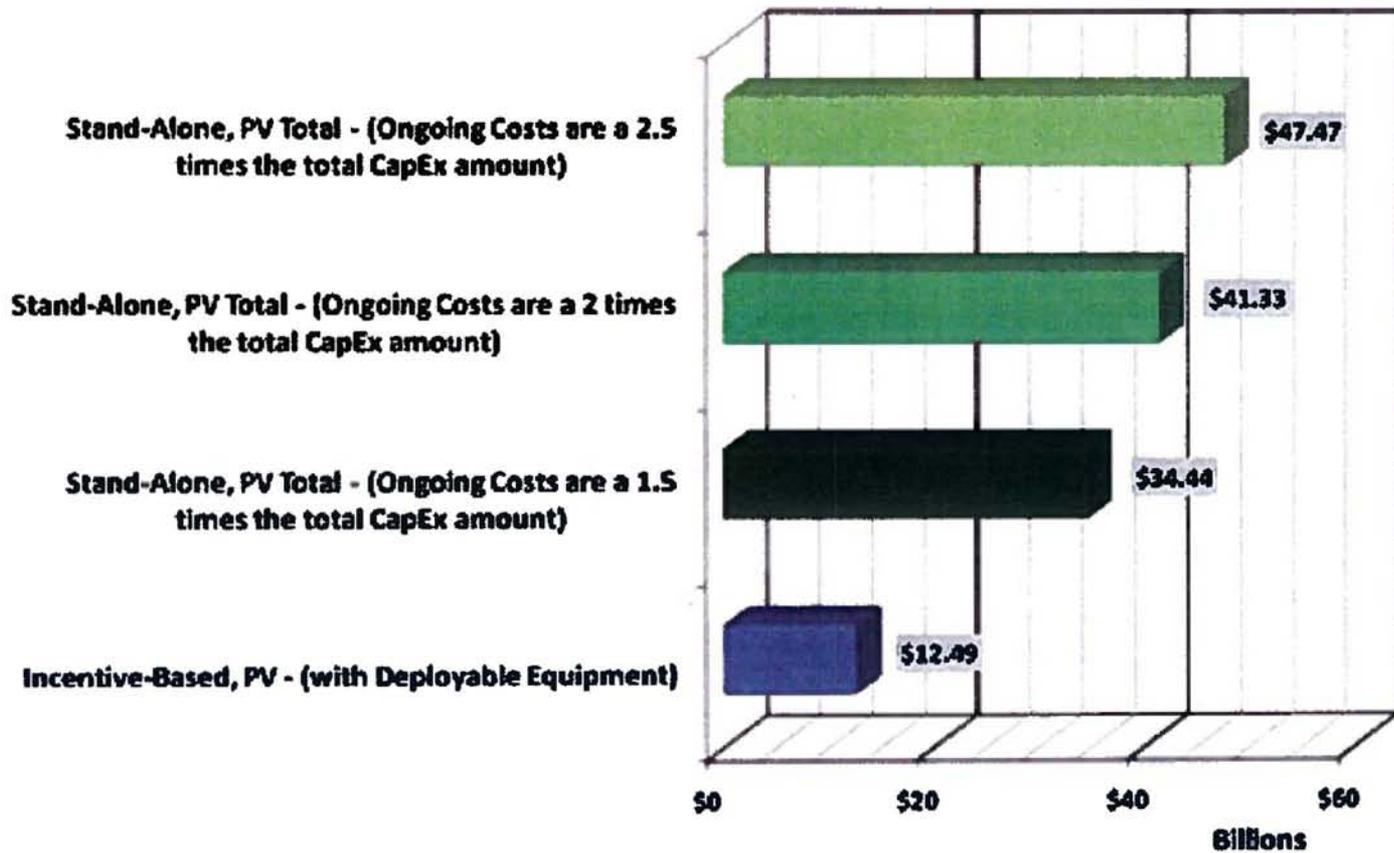
Public Safety Would Benefit from Robust Device Competition

**Motorola XTS 5000 Digital
Portable Radio**
Approx. \$4000-\$5000 per unit



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Public Safety Would Benefit from Robust Network Competition



Source: FCC OBi Technical Paper No. 2, Broadband Network Cost Model: A Basis For Public Funding Essential To Bringing Nationwide Interoperable Communications To America's First Responders (May 2010).

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The FCC Should Combine the Upper A and D Blocks Because This Optimizes the Use of the Spectrum and Serves the Public Interest

- I Combining the A and D Blocks and auctioning them as a single block will:
 - o Increase amount of usable broadband spectrum available to auction winners, and by more than just 2 MHz because of efficiencies gained by eliminating the interfaces between the A Block and the D Block.
 - o Maximize the efficient use of highly valuable spectrum; current stand-alone 1x1 configuration is out of step with the broadband zoning that prevails in most of Upper 700 band and does not serve the public interest in optimizing the use of the spectrum
 - o Create synergies with Lower 700 MHz blocks by creating a 6 MHz paired block
 - o Provide a template for future efforts by the FCC to encourage incumbent licensees to relinquish spectrum rights to meet public interest objectives
- I The A Block holders (Access Spectrum, LLC and Xanadoo Company) are prepared under appropriate circumstances, and with appropriate compensation, to relinquish their spectrum rights to accommodate the combination of the A and D Blocks.
 - o FCC has clear authority to compensate A Block licensees for returning their spectrum rights – A Block holders have made extensive *ex parte* contributions to the record documenting lawful approaches the FCC may take under existing authority.
- I Delays in licensing the D Block are creating significant uncertainties and disrupting business plans that would otherwise be suitable for the A Block
 - o Combining A+D Blocks is best public interest outcome, but A Block licensees also exploring smart grid and other potential uses of their spectrum
 - o But the long, ongoing uncertainty about what will happen to A Block in the context of a D Block auction are impeding business planning
 - o Prolonged uncertainty and the need to move forward to derive some value from the spectrum could result in deployment of technologies that are technically incompatible with 4G technologies in adjacent D Block
- I Combining the A and D Blocks is an action that the FCC can commence now without offending Congressional prerogatives – it makes sense regardless of any contingency that may occur.

The FCC Should Move Forward with D Block & Public Safety Rulemaking Proceedings

- As the Chairman stated in a recent letter to a member of Congress, the Communications Act requires the FCC to auction the D Block for commercial use
- The FCC should of course provide assistance to Congress as it considers various arguments about how best to promote a fully-funded, nationwide public safety broadband network
- At the same time, the FCC should initiate rulemaking proceedings now to explore how best to implement the current statutory mandate to auction the D Block in a way that promotes public safety communications and competition
- Further delay in developing a record on these vital issues will only undermine vital public safety and public interest objectives