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February 24, 2011

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

Ex Parte

Re: Notice of Ex Parte Presentation -- Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229.

Dear Ms. Dortch:

On February 23, 2011, Mike Oldak and the undersigned of the Utilities Telecom Council (UTC) and Jeffrey Sheldon on behalf of Southern Company (Southern) met with Austin Schlick, David Horowitz, Julie Veach and Andrea Kearney from the Office of the General Counsel and with Jennifer Manner, Gene Fullano, Erika Olsen and Brian Hurley from the Public Safety and Homeland Security Bureau regarding matters in the above-referenced proceeding.

During the meeting, UTC and Southern explained that utilities and other critical infrastructure industries (CII) provide public safety services and are eligible to use 700 MHz public safety spectrum in accordance with Section 337(f) of the Communications Act. UTC and Southern also explained that congressional intent and commission precedent also support the conclusion that utilities and CII are eligible. Finally, UTC explained that utility and CII access to 700 public safety spectrum would promote important public policy goals, including accelerating the deployment of 700 MHz public safety broadband networks. The positions of UTC and Southern were consistent with their comments on the record in this proceeding.

If you have any questions, please do not hesitate to contact the undersigned.

Respectfully,

Brett Kilbourne

cc: FCC Participants