

March 18, 2011

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

Re: Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services (WT Docket No. 10-112) – NOTICE OF ORAL EX PARTE PRESENTATION

Dear Ms. Dortch:

We are writing pursuant to Section 1.1206(b)(2) of the Commission's Rules to advise the Commission that yesterday the WCS Coalition, represented by Jennifer McCarthy of NextWave Broadband, Inc., Ron Olexa of Horizon Wi-Com, LLC, Kurt Schaubach of the National Rural Telecommunications Cooperative and the undersigned, met with Kathy Harris, John Schauble, Michael Connelly and Richard Arsenault of the Wireless Telecommunications Bureau to discuss certain issues raised by the *Notice of Proposed Rulemaking* in the above-referenced proceeding.¹

Specifically, the WCS Coalition expressed its continued support for the proposal advanced in the *Notice* to adopt a new renewal paradigm for the Wireless Radio Services under which the Commission would accept renewal applications, subject those applications to petitions to deny, evaluate the renewal application, and then utilize competitive bidding to award the spectrum should the Commission not grant the renewal application. The WCS Coalition expressed the view, consistent with its comments and reply comments in response to the *Notice*, that adoption and implementation of such an approach would advance the public interest and is within the Commission's authority. In addition, the WCS Coalition noted that licensees require certainty as to requirements for renewal, and suggested that those licensees that are required to demonstrate substantial service or meet performance requirements prior to renewal should be entitled to a renewal expectancy if they certify via a "check box" that they continue to meet their substantial service or performance requirements and otherwise operate in material compliance with FCC rules. The participants also discussed that the Commission's current substantial

¹ Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, *Notice of Proposed Rulemaking and Order*, 25 FCC Rcd 6996 (2010). In recognition of the debate regarding the nature of the *Order* in this proceeding, the WCS Coalition did not address any of the issues raised by the petitions for reconsideration of the *Order*.

Marlene H. Dortch

March 18, 2011

Page 2

service safe harbors and performance requirements generally fail to promote point-to-multipoint applications that do not provide service directly to consumers.

In addition, the WCS Coalition reiterated that it has no quarrel with the proposal to define a permanent discontinuance for 2.3 GHz band WCS licenses as the cessation of all operations for 180 consecutive days. While the WCS Coalition generally does not oppose making the discontinuance rule applicable once performance requirements are met, the WCS Coalition reiterated its request that the Commission clarify that any new discontinuance rule will not apply to a 2.3 GHz band WCS license until the licensee submits its initial performance showing in accordance with recently-adopted Section 27.14(p) of the Commission's Rules.

Pursuant to Sections 1.1206(b)(2) and 1.49(f) of the Commission's Rules, this letter is being filed electronically with the Commission via the Electronic Comment Filing System. Should you have any questions regarding this notice, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Mary N. O'Connor

Counsel to the WCS Coalition