

March 18, 2011

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

Re: *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band* (WT Docket No. 07-293) and *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band* (IB Docket No. 95-91) 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 notify the Commission that yesterday Jennifer McCarthy of NextWave Broadband, Inc., Ron Olexa of Horizon Wi-Com, LLC, Kurt Schaubach of National Rural Telecommunications Cooperative and the undersigned met on behalf of the WCS Coalition with Julius Knapp, Bob Weller, Walter Johnston and Patrick Forster of the Office of Engineering and Technology, Linda Chang, Richard Arsenault and Moslem Sawez of the Wireless Telecommunications Bureau, and Stephen Duall of the International Bureau to discuss outstanding issues before the Commission on reconsideration of the *Report and Order and Second Report and Order* in the above-referenced proceedings (the "*Order*").

During the meeting the WCS Coalition updated the staff regarding the Wireless Communications Service ("WCS") community's request for reconsideration and extension of the newly-adopted performance deadlines for WCS licensees. The participants in the meeting discussed how the "one-off" nature of the U.S. 2.3 GHz band technical rules have led equipment manufacturers to focus their initial efforts on markets such as China and India, where Long Term Evolution technology is being deployed in the 2.3 GHz band without the challenging technical requirements imposed on U.S. licensees. As a result, and coupled with the diminishing interest in vendors from developing WiMAX mobile products for the 2.3 GHz band, the WCS Coalition advised the Commission that it will be some time before mobile equipment will be available for use in the 2.3 GHz band in the U.S.

In addition, the WCS Coalition reiterated the positions it has previously presented to the Commission on reconsideration, including revision of the rules regarding the WCS duty cycle to advance technical neutrality, elimination or modification of the ban on outdoor antennas with low-powered fixed CPE, rejection of power spectral density limits for mobile and fixed CPE, elimination of the reference to Recommendation ITU RM 1459 from the rules, and clarifying that Satellite Digital Radio Service ("SDARS") must secure a waiver to exceed the new Part 25

Marlene H. Dortch

March 18, 2011

Page 2

repeater power and out-of-band emission limits, except with respect to repeaters that are temporarily grandfathered.

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 presentation, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Mary N. O'Connor

Counsel to the WCS Coalition

cc: Julius Knapp  
Bob Weller  
Walter Johnston  
Patrick Forster  
Linda Chang  
Richard Arsenault  
Moslem Sawez  
Stephen Duall