

July 20, 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 Conexus Advisors and the undersigned, met with Kathy Harris, Michael Connelly, Zhi Li and Richard Arsenault of the Wireless Telecommunications Bureau (the latter participating by telephone) to discuss certain issues raised by the *Notice of Proposed Rulemaking and Order* in the above-referenced proceeding.¹

During the course of the meeting, the WCS Coalition expressed its continued support for the proposal advanced in the *NPRM and Order* to adopt a new renewal paradigm for the Wireless Radio Services under which the Commission would accept a renewal application, subject that application 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.² The discussion focused on the rather unique situation faced by licensees in the 2.3 GHz band. The WCS Coalition emphasized that while the Commission in WT Docket No. 07-293 has recently adopted significant changes to the WCS rules (accompanied by very aggressive

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)[the "*NPRM and Order*"]. 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*.

² See Comments of the WCS Coalition, WT Docket No. 10-112, at 1-5 (filed Aug. 6, 2010)[“WCS Coalition Comments”].

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new performance requirements), continued uncertainty given the conditional nature of recent WCS license renewals under the interim processing procedures set forth in Paragraphs 112 and 113 of the *NPRM and Order* has made it difficult for licensees and potential lessees or assignees to move forward with deployments in the band. The net result is that broadband use of 2.3 GHz is being frustrated. Thus, the WCS Coalition urged that the Commission move quickly to adopt a two-step renewal process and to fully implement the plan set forth in the *NPRM and Order* for addressing the renewal of 2.3 GHz band WCS licenses.

The participants also discussed that the Commission's current substantial service safe harbors and performance requirements generally fail to accommodate point-to-multipoint applications that do not provide service directly to consumers. They noted, as an example, that smart grid applications that use point-to-multipoint WiMAX equipment to backhaul data from collection/aggregation points are better evaluated as point-to-point links, since the provision of service to discrete points, rather than ubiquitous coverage, is the objective of the deployment.

In addition, the WCS Coalition reiterated that while it generally does not oppose making new discontinuance rules applicable once performance requirements are met, the Commission should 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.³

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

cc: Kathy Harris
Michael Connelly
Richard Arsenault
Zhi Li

³ See WCS Coalition Comments at 8-12.