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September 14, 2011

VIA ECFS

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

Re: Written Ex Parte Presentation, PS Docket No. 06-229

Dear Ms. Dortch:

This filing is in reference to the administrative fee of the Long Term De Facto Spectrum Lease Agreement, PS Docket No. 06-229, The State of Texas. Article III, §50 of the Texas Constitution, and other similar provisions, forbid state agencies to lend the state's credit. In reviewing the lease, Section 3, Terms and Renewal, indicates the lease will have an initial term of two years, commencing on the effective date. The effective date is designated in Section 8 as the date the Chief of the Bureau consents to the agreement. Therefore, the effective date of the lease agreement is June 17, 2011 (per Bureau Public Notice, DA 11-1074), and any annual administrative fee for the second year of the lease would not be due until one year after the effective date.

Without a current obligation to tender the administrative fee, the department, a Texas state agency, is prohibited by the state constitution from paying the fee prior to that date. For these reasons, the State of Texas respectfully requests the administrative fee for the second year of the Long Term De Facto Spectrum Lease Agreement, PS Docket No. 06-229, The State of Texas, be invoiced and paid on or about June 17, 2012.

Respectfully submitted,

*/s/ Michael Simpson*

Michael Simpson  
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On behalf of:

The State of Texas, Waiver Recipient

cc: (via email)  
Jennifer Manner