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November 29, 2011

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Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

*Ex Parte* Meeting in Docket 10-112

Dear Ms. Dortch:

On November 28, 2011, the undersigned and Eric Steinmann met with Angela Giancarlo regarding the above-referenced Docket on behalf of Green Flag Wireless, LLC and NTCH, Inc. We went over the history of the 2.3 GHz licensing proceeding and its current status, the history of the FCC's attempts to protect incumbents from renewal challenges, and the historical reactions of the appellate courts to such attempts. We urged Ms. Giancarlo to take a close look at this matter when it is presented for 8<sup>th</sup> floor action. We also suggested that in view of the cloud that any FCC action will inevitably place on the prevailing party's licenses, the Commission might want to consider convening a meeting of the parties prior to adopting an order.

We also explained more generally some of the difficulties afflicting competing carriers from a firsthand perspective, including the need for access to broadband spectrum, impediments to access to high quality handsets that cover multiple spectrum bands, the anti-competitive effect of practices like early termination fees, and the difficulties in obtaining fair roaming agreements that provide for soft handoff at the edge of coverage and the attendant need for strict enforcement of the rule requiring reasonable roaming charges. We also explained (a) the distributed base station technology we have deployed and our consequent ability to quickly and efficiently deploy spectrum in different bands, and (b) our program to reward noncontract customers after a period of time with a free handset as a retention program instead of

Ms. Marlene Dortch

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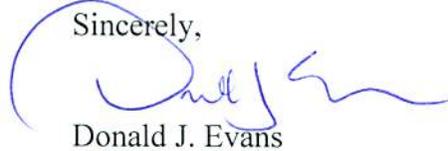
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using this as a tool to get them into another contract with high termination fees. In conclusion we suggested that it would be most helpful, in addition to convening the parties above, to publicly consider whether the reasonable standard for roaming should be addressed in comparison to what a carrier is charging at retail for those services, that it would do the public – and competition in general – a service to prohibit early termination fees, and that an effort should be made by the Commission to encourage and facilitate the reemergence of a US based infrastructure manufacturer.

A copy of this notification is being filed in Docket 05-265 as well.

Sincerely,



Donald J. Evans

DJE:deb

cc: Angela Giancarlo