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March 12, 2012

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

Re: Notice of *Ex Parte* Presentations
RM-11626; RM-11592

Dear Ms. Dortch:

On March 8, 2012, Vulcan Wireless LLC ("Vulcan") representatives Scott Wills, Paul Nagle, Paul Kolodzy, and Michele Farquhar met with: (1) Tom Peters, Chief Engineer of the Wireless Telecommunications Bureau, and Nicole McGinnis, Assistant Chief of the Spectrum and Competition Policy Division of the Wireless Telecommunications Bureau; (2) Amy Levine, Senior Legal Advisor to Chairman Genachowski; and (3) Commissioner Mignon Clyburn and Louis Peraertz, Legal Advisor to Commissioner Clyburn. Christopher Termini of Hogan Lovells joined the meeting with Amy Levine.

During the meetings, the Vulcan representatives discussed the need for a single band class to enable interoperability in the Lower 700 MHz paired spectrum band, and how the FCC should address this issue in the forthcoming Notice of Proposed Rulemaking. As described in the attached presentation (distributed at the meeting), the Vulcan representatives emphasized the need for a prompt resolution to the proceeding. Adopting an order in this proceeding before the end of 2012 that mandates interoperability across the Lower 700 MHz paired spectrum band as well as an implementation timeline will:

- Provide the certainty necessary for Lower 700 MHz A Block licensees to meet their looming build-out deadlines as well as upcoming USF mobility fund deadlines, allowing them to compete for universal service and other broadband funds intended to spur mobile broadband development in rural areas;

- Address the "spectrum crunch" by unleashing 12 MHz of valuable and immediately available spectrum for competitive wireless broadband service;

- Preserve the options available to the Commission for implementing interoperability across the Lower 700 MHz band, and avoid the compounded harm to consumers and A Block licensees that will result from a growing entrenched subscriber base with new generations of non-interoperable mobile devices;

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- Allow A Block licensees—many of which are small, regional, and greenfield providers—to harness value from their billion dollar investment in A Block licenses; and

- Remove uncertainty in the marketplace for wireless service, preserve the viability of A Block licensees, foster competition for wireless service, and encourage investment, innovation and job creation in the A Block and adjacent bands.

Vulcan also urged the Commission to prioritize identifying solutions to implementing an interoperability mandate in the early stages of the NPRM proceeding. To this end, the Commission should specifically seek comment on the timing and other practical issues regarding a transition to interoperability.

The Vulcan representatives also encouraged the Commission to continue to focus its NPRM on interoperability in the Lower 700 MHz band, given the technical complexities and lack of information regarding how to achieve interoperability across the entire Lower and Upper 700 MHz band. The FCC should rely upon the substantial record that has been developed to initially require interoperability in the Lower 700 MHz band, which can be used as a model for interoperability in the Upper 700 MHz band in the future.

Additionally, Vulcan recommended that the Commission require all parties interested in the NPRM to support their arguments with technical analysis and data. Engineering conclusions should not be made in the proceeding without sound engineering data. For example, references to 3GPP decisions should not be relied upon unless parties provide evidence that an appropriate amount of vendor support, backed with engineering and technical analysis, justified those decisions.

Finally, Vulcan explained how potential sources of interference to the A Block licensees caused by Channel 51 DTV broadcasters and Lower E Block operations impact the ability for A Block licensees to deploy, but that does not necessarily correlate to impacting the viability for interoperability across the Lower 700 MHz paired spectrum band. The Commission does not need to resolve A Block deployment issues to reach a timely decision mandating Lower 700 MHz interoperability, and the forthcoming NPRM should not confuse interoperability with A Block deployment issues. The issues of interoperability in the Lower 700 MHz band and potential interference to A Block licensees are separate and distinct. Rather, the Commission should only focus on resolving whether interoperability across the Lower 700 MHz band would cause harmful interference if the A Block is combined with B and C Blocks. Vulcan further explained that real world interference tests, conducted by Vulcan and six other A Block licensees, demonstrated that neither Channel 51 DTV operations, nor Lower E Block transmissions, will interfere with Lower B and C Block operations, and therefore should not prevent Lower 700 MHz interoperability. The Commission should not be confused by filings that characterize impediments to A Block deployment as an obstacle to interoperability in the Lower 700 MHz band.[1]

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[1] *See, e.g.,* Letter from Joan Marsh, Vice President of Federal Regulatory, AT&T Services, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 21, 2012) (explaining that elimination of the potential sources of interference to A Block licensees "caused by Channel 51 and Lower E block licenses" is necessary for a "migration to Band Class 12"); *see also* Letter from Joseph P. Marx, Assistant Vice President of Federal Regulatory, AT&T Services, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission at 7 (July 29, 2011) (objecting to an interoperability mandate in part because of Channel 51 interference to and from "adjacent 700 MHz A-block frequencies").

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced dockets. Please contact me directly with any questions.

Respectfully submitted,

/s/ Michele C. Farquhar

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cc: Commissioner Clyburn
Amy Levine
Nicole McGinnis
Louis Peraertz
Tom Peters