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

Re: Notice of Ex Parte Presentation
WT Docket No. 12-64; WT Docket No. 11-110

Dear Ms. Dortch:

On June 6, 2012, Joe Saddler, Denis Marin and I, representing the Orange County Sheriff's Department ("County"), met by conference call with Brian Regan, Roger Noel, Tom Peters and Linda Chang of the Wireless Telecommunications Bureau and Michael Wilhelm of the Homeland Security and Public Safety Bureau.

The purpose of the meeting was to discuss waivers and special temporary authorizations ("STAs") issued to Sprint Nextel in the U.S.-Mexico border region in 2011 and recent rule changes that were approved by the Commission to increase channel spacing and bandwidth utilization. *Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees, Request for Declaratory Ruling that the Commission's Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862-869 MHz Band*, WT Docket Nos. 12-64, 11-110, Report & Order, FCC 12-25 (rel. May 24, 2012) ("R&O").

The County provided the Commission with geographical statistics on the 3 million people that reside in Orange County, and that the Orange County Sheriff's Department operates a robust, fully interoperable public safety communications system on behalf of 34 cities and 130+ partner agencies that includes federal, state and local agencies. The County expressed its concern for the 2011 waivers and STAs that were issued to Sprint Nextel in the non-reconfigured portion of 862-866 MHz in the U.S. Mexico border region as well as the permanent approvals that were given in the R&O. The County noted that the three largest metropolitan areas in the country had not yet rebanded under the Commission's 800 MHz rebanding orders and that the approvals for early testing and deployment of Sprint Nextel's CDMA technology were not previously contemplated in prior Commission rebanding orders. The County stated that there should be no CDMA deployment until rebanding has been fully completed in the region.

The County asked about how the STAs were approved and noted that public safety in the Southern California area was unaware of the administrative approvals by the Wireless Telecommunications Bureau, particularly the frequency coordinator for the region who typically monitors Public Safety Bureau notices. The County discussed an objection letter it had sent to the Wireless Telecommunications and Public Safety Bureaus on February 28, 2012. The County documented a current controversy discussed in the February 28 letter in that the Orange County Sheriff's Department was receiving harmful interference from other CDMA operators that remains unresolved, and some of which occurred on July 4, 2011, the busiest day for the County's radio system. The County believed that it would receive harmful interference from Sprint Nextel's early deployment in non-reconfigured spectrum based on experience with other CDMA operators.

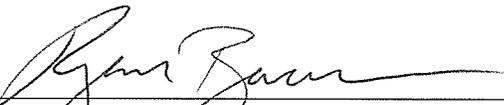
Commission staff discussed the unlikelihood of interference due to OOB protections and the lower spectral density of CDMA, and the County believed that interference issues would remain due to desensitization of public safety receivers by broadband noise. The County expressed its concern with the current notice requirements in the STAs and R&O in that the notices did not provide public safety licensees with meaningful information as to when activation would occur under the STAs or at what location. The County also stated that there was no way to document harmful interference if Sprint Nextel had not yet deployed, and that Sprint Nextel's claimed interference protection could not be verified. The County believed that it would take up to one year or more to complete rebanding. The County asked for Commission assistance in resolving its outstanding interference as well as any information that could be obtained to identify CDMA sites in Orange County.

In accordance with the Commission's rules, one copy of this ex parte notice is being filed electronically for inclusion in the record with email cc's to all participating Commission staff.

Please feel free to contact me with any questions.

Very truly yours,

NICHOLAS S. CHRISOS
COUNTY COUNSEL

By 
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Cc: Brian Regan
Linda Chang
Roger Noel
Tom Peters
Michael Wilhelm