



Nadja S. Sodos-Wallace  
Senior Regulatory Counsel,  
Assistant Secretary  
1250 I Street, NW, Suite 901  
Washington, DC 20005

p: 202 330-4011  
f: 202-330-4008  
www.clearwire.com

June 21, 2012

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
12th Street Lobby, TW-A325  
Washington, DC 20554

**RE:** Promoting Expanded Opportunities for Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules, ET Docket 10-236

2006 Biennial Review of Telecommunications Regulations – Part 2 Administered by the Office of Engineering and Technology, ET Docket 06-155

Notice of *Ex Parte* Presentation

Dear Ms. Dortch:

Clearwire Corporation (“Clearwire”), a primary licensee in the 2.5 GHz band, is filing this *ex parte* to respond to the May 2, 2012 *Ex Parte* Presentation filed by Boeing. In that May 2 letter, Boeing proposes that the Commission adopt an experimental “safe harbor” that would permit Experimental Radio Service (“ERS”) licensees to avoid a coordination and consent requirement for experimental operations carried out at carefully controlled test facilities. Assuming that this safe harbor is structured appropriately, Clearwire supports this proposal as a way to simplify the ERS licensing process while protecting primary licensees from interference.

As Clearwire made clear in its May 17 *ex parte*, Clearwire has substantial concerns with the way that the ERS licensing process currently works and the burden that is put on primary licensees to ensure that ERS licensees comply with their coordination and consent requirements. However, Clearwire also recognizes that ERS authorizations support a necessary and beneficial process aimed at advancing technology. Under the proposal put forth by Boeing, an ERS licensee could obtain a safe harbor license under certain conditions:

- The experimental operations would take place in carefully controlled test area within which access would be limited to testing personnel and individuals who have been specifically informed that they are entering into a controlled area; and such test area would be RF-shielded;
- The RF emissions in the test area would be strictly controlled by the ERS licensee;



Nadja S. Sodos-Wallace  
Senior Regulatory Counsel,  
Assistant Secretary  
1250 I Street, NW, Suite 901  
Washington, DC 20005

p: 202 330-4011  
f: 202-330-4008  
www.clearwire.com

- The ERS licensee would ensure that emissions levels beyond the controlled testing area (i.e. outside the fence line) do not exceed the threshold power limits permitted for commercial unintentional radios as specified in Section 15.109(b) of the Commission's rules;
- ERS licensees would remain obligated to avoid causing interference to authorized services and to immediately cease transmissions if harmful interference occurs; and
- ERS would continue to employ measures such as 24/7 call centers and stop button procedures.

A safe harbor that incorporates all of the protections proposed by Boeing appears to provide the right balance between the interests of ERS and primary licensees so long as primary licensees are appropriately notified. To that end, prior to issuing a safe harbor ERS license for a particular location and frequency band, the Commission should issue a public notice at least 30 days prior to grant so that primary licensees have the opportunity to challenge whether the testing environment is sufficiently non-interfering. In addition, to ensure that a primary licensee's ability to launch and expand service in its markets is not curtailed, Clearwire recommends that any safe harbor licenses be of limited duration; such as six months. Six months should provide ERS licensees with enough time to perform their experiment, while providing primary licensees with an end date for the experiment. If the safe harbor is needed for longer than six months, the ERS licensee should be able to apply for a new license that is subject to the public notice period recommended above.

Clearwire agrees with Boeing that for those locations that meet all of the above requirements, the potential for interference to primary licensees is quite small, and the benefits to research and experimentation are potentially quite large. To that end, Clearwire supports adoption of an ERS safe harbor as long as the conditions imposed on the safe harbor license appropriately protect primary licensees.

Respectfully submitted,

**CLEARWIRE CORPORATION**

/s/ Cathleen A. Massey  
Vice President Regulatory Affairs & Public  
Policy

/s/ Nadja S. Sodos-Wallace  
Senior Regulatory Counsel

1250 I Street, NW, Suite 901  
Washington, DC 20005  
(202) 330-4011