



1250 I St., N.W., Suite 901
Washington, D.C. 20005

July 10, 2012

Via Electronic Filing
Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Notice of Oral *Ex Parte* Communication

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

Dear Ms. Dortch:

On July 10, 2012, on behalf of Clearwire Corporation (“Clearwire”), Nadja Sodos-Wallace and I met with the following members of the Office of Engineering and Technology (“OET”): Electromagnetic Compatibility Division Chief Walter Johnston, Deputy Chief Ira Keltz, Policy & Rules Division Chief Geraldine Matise, Associate Chief Bruce Romano and Rodney Small.

During the meeting, the participants discussed Clearwire’s written *ex partes* filed on May 17, 2012 and June 21, 2012 in the above referenced dockets and the information contained in the attached presentation. The Clearwire representatives explained Clearwire’s experiences and concerns with the current ERS licensing process, including the STA licensing process. We explained that Clearwire’s recommendations contained in the May 12 *ex parte* would improve the ERS licensing process and strike the appropriate balance between the benefits of ERS and interference concerns of primary licensees. We also expressed conditional support for Boeing’s “safe harbor” proposal for ERS licensees as explained in Clearwire’s June 21, 2012 *ex parte*. Finally, Clearwire requested FCC guidance with respect to reimbursement for costs associated with the ERS licensing and coordination process.

Pursuant to Section 1.1206(b)(2) of the Commission’s Rules, notice of this *ex parte* communication is being filed electronically. If you have any questions regarding this matter, please do not hesitate to contact the undersigned at 202-351-5033.

Sincerely,

By: /s/ Cathleen A. Massey

cc/att: Meeting participants

Experimental Licensing

July 10, 2012, 2:00 pm

Discussion Points

- Clearwire's May 17, 2012 *ex parte* discussing proposed changes to the existing ERS process
- Clearwire's June 21, 2012 *ex parte* supporting Boeing's proposal for the establishment of an ERS "safe harbor"
- Cost-based coordination fees for ERS licenses

Clearwire's 4G Network in Numbers



- Wholesale network based on 4G WiMAX
- Approx. 80 markets including 35 of top 40
- 132M POPs covered by 16k sites
- 2/3 of the POPs of top 100 markets
- 9.7M wholesale and 1.3M retail customers

Q1 2012: 132 M POPs covered | 11 M subs | Average usage 7GB/month

Clearwire's May 17, 2012 ex parte

- ERS applicants should be required to successfully coordinate their use as a prerequisite for grant.
 - Many ERS licenses today contain a post-grant coordination condition
 - Many ERS licensees ignore or overlook this important step. From January to May 2012, there were 37 ERS applications filed for the 2.5 GHz band. 20 of those were granted with a specific coordination requirement, of those only 2 contacted Clearwire.
 - Failure to coordinate creates an unnecessary risk to the operations of primary licensees
- ERS applicants should provide 24/7 emergency contact information.
- ERS authorizations, including STAs, should be limited to one of the permitted purposes under the ERS licensing rules.
 - Non-experimental spectrum uses -- such as sporting events – can be addressed other ways, such as the spectrum leasing process
- The FCC should require ERS licensees to abide by its discontinuance rules.
 - Section 5.81 requires ERS licensees to alert OET in the case of permanent discontinuance of operations so that the license may be cancelled
 - The discontinuance process is ignored by most ERS licensees, making it difficult for primary licensees to track and pinpoint interference sources or spectrum usage

Clearwire's June 21, 2012 *ex parte*

- Clearwire agrees with Boeing that an experimental “safe harbor” could be beneficial if certain conditions are met:
 - The experimental operations would take place in carefully controlled, RF-shielded test area;
 - 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 in Section 15.109(b);
 - ERS licensees would remain obligated to avoid causing interference to authorized services and to immediately cease transmissions if harmful interference occurs;
 - ERS would continue to employ measures such as 24/7 call centers and stop button procedures;
 - Prior to issuing a safe harbor ERS license, the Commission should issue a public notice at least 30 days prior to grant to provide primary licensees notice and an opportunity to comment; and
 - Safe harbor licenses should be of limited duration; such as six months.

Cost-based coordination fees for ERS licenses

- Due to an upsurge in ERS requests, Clearwire has put a process in place to coordinate such requests, including execution of an agreement specifying the parameters for the ERS use, 24/7 contact information and the expected duration of the experimental use.
- Based on previous advice received from OET staff, we charge ERS licensees for our costs of coordinating their requests. The fee is strictly cost based and takes into account the number of hours that are required by technical and legal staff to accommodate the ERS use.
- Recently counsel for Boeing has stated that OET staff has told Boeing that it can ignore coordination fees for ERS use. This is inconsistent with guidance that we have received from OET staff indicating that cost-based coordination fees are permitted