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August 20 2012

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



Re: *Promoting Interoperability in the 700 MHz Commercial Spectrum*, WT Docket No. 12-69; Notice of *Ex Parte* Presentation

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Dear Ms. Dortch:

On August 16, 2012, Michael Rosenthal and Holly Henderson of Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (“SouthernLINC Wireless”) and David Rines of Fish & Richardson P.C., met separately with: (1) Renee Wentzel, Legal Advisor to Chairman Julius Genachowski; (2) David Goldman, Senior Legal Advisor to Commissioner Jessica Rosenworcel; and (3) Courtney Reinhard, Legal Advisor to Commissioner Ajit Pai. In addition, Mr. Rosenthal, Ms. Henderson, and Mr. Rines met with Ruth Milkman, Chief of the Wireless Telecommunications Bureau, and Maria Kirby, John Leibovitz, Melissa Glidden Tye, Nicole McGinniss, and Thuy Tran of the Wireless Telecommunications Bureau.

In these meetings, SouthernLINC Wireless discussed the need for prompt Commission action to ensure that interoperability within the Lower 700 MHz band is restored. As explained in SouthernLINC Wireless’ reply comments filed in response to the *Notice of Proposed Rulemaking* (“NPRM”) issued in this docket,<sup>1</sup> interoperability in the Lower 700 MHz band is necessary to protect and promote competition in the wireless marketplace, provide consumers with greater choice and affordability in advanced wireless service offerings and devices, and enable the expansion of broadband access and services to rural and underserved areas. Interoperability in the Lower 700 MHz Band will also enable much-needed

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<sup>1</sup> / See Reply Comments of SouthernLINC Wireless in WT Docket No. 12-69 and RM-11592 (terminated) (filed July 16, 2012).

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investment in the deployment of competitive new networks and services and result in the creation and/or retention of thousands of jobs.<sup>2</sup>

The lack of interoperability has significantly hindered the development and availability of handsets and equipment capable of operating in the Lower 700 MHz A block, thus severely and unnecessarily restricting the ability of A block licensees to deploy networks and provide service in this band. The lack of interoperability also severely restricts the roaming options available to A block licensees – most of whom are regional and rural wireless carriers – thus undermining the very policy goals the Commission has sought to advance through its data roaming rule and the National Broadband Plan. The problems of equipment availability and roaming are closely intertwined and must be resolved in tandem, which can only be done by restoring interoperability to the Lower 700 MHz band.

Swift action to restore interoperability to the Lower 700 MHz band is also necessary to ensure continued confidence in the spectrum market going forward. Otherwise, the Commission risks allowing the situation that has developed in this band to establish a precedent that will negatively affect the future valuation of spectrum, both in the secondary market and in any future offerings of spectrum that may become available through incentive auctions or future spectrum reallocations.

Detailed studies and reports have been filed in the record of this proceeding demonstrating that there is no technical impediment to interoperability in the Lower 700 MHz band, nor is there any technological basis for maintaining separate band classes between the Lower A, B, and C blocks.<sup>3</sup> With respect to concerns that have been raised regarding potential interference and other technical issues arising from adjacent Channel 51 and Lower E block operations, these studies demonstrate that, while certain technical issues may affect licensees in the A block, these issues would not have any adverse effect on licensees in the Lower B and C blocks even in a fully interoperable environment.<sup>4</sup> The record of this proceeding further demonstrates that

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<sup>2</sup> / According to a study performed by Telecom Advisory Services, LLC, on behalf of RCA – The Competitive Carriers Association, investment in and deployment of wireless broadband infrastructure in unserved and underserved areas will result in the creation and/or retention of 117,000 jobs in 19 states. See “Economic Impact of Wireless Broadband in Rural America,” available at <http://rca-usa.org/advocacy/economic-study/economic-study-executive-summary/914131> (last viewed Aug. 17, 2012).

<sup>3</sup> / See Joint *Ex Parte* Presentation of Cavalier Wireless, C Spire Wireless, Continuum 700, King Street Wireless, MetroPCS, U.S. Cellular, and Vulcan Wireless in WT Docket No. 12-69 (filed May 29, 2012) (submitting “Lower 700 MHz Test Report: Laboratory and Field Testing of LTE Performance near Lower E Block and Channel 51 Broadcast Stations”); Reply Comments of V-COMM, L.L.C. in WT Docket No. 12-69 (filed July 13, 2012).

<sup>4</sup> / *Id.*

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the costs of implementing interoperability throughout the Lower 700 MHz band would be incremental, especially in comparison to the high cost of leaving this issue unaddressed.<sup>5</sup>

For these reasons, SouthernLINC Wireless urges the Commission to require the restoration of interoperability in the Lower 700 MHz band as expeditiously as possible. SouthernLINC Wireless agrees with other participants in this proceeding that the Commission need only require the restoration of interoperability by a date certain in order to provide both an incentive and a regulatory backstop for the industry to develop and implement an appropriate solution.<sup>6</sup>

In accordance with the Commission's rules, one copy of this *ex parte* notice is being filed electronically for inclusion in the record of the above-captioned proceeding.

If you should have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

/s/ David D. Rines

David D. Rines

Counsel for SouthernLINC Wireless

cc: Renee Wentzel  
David Goldman  
Courtney Reinhard  
Ruth Milkman  
Maria Kirby  
John Leibovitz  
Melissa Glidden Tye  
Nicole McGinniss  
Thuy Tran

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<sup>5</sup> / See, e.g., Reply Comments of T-Mobile in WT Docket No. 12-69 (filed July 16, 2012) at 19 – 20; Comments of Vulcan Wireless in WT Docket No. 12-69 (filed June 1, 2012) at 36 – 40.

<sup>6</sup> / See, e.g., Vulcan Wireless Notice of *Ex Parte* Presentation in WT Docket No. 12-69 (filed Aug. 9, 2012) at 1.