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September 13, 2012

57739.00050

**VIA ELECTRONIC COMMENT FILING SYSTEM**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 15th Street, S.W.  
Washington, DC 20554

Re: Ex Parte Notice: Signal Boosters; WT Docket No. 10-4

Dear Ms. Dortch:

On September 11, 2012, Mark A. Stachiw, Vice Chairman, Secretary & General Counsel of MetroPCS Communications, Inc. ("MetroPCS") along with Carl W. Northrop and Jessica DeSimone of Telecommunications Law Professionals PLLC ("TLP"), met with Roger Noel (via teleconference), Joyce Jones, and Becky Schwartz of the Wireless Telecommunications Bureau and Steven Spaeth and David Horowitz of the Office of General Counsel to discuss the above-referenced proceeding. The presentation in the meeting was consistent with the filings that MetroPCS previously has made in this proceeding.

MetroPCS indicated that, while it finds the technical standards proposed in the Joint Proposal to be a useful step forward to increase the prospects for signal boosters to be utilized on an interference-free basis, they are not deserving of Commission support unless the Commission makes clear that signal boosters can only operate with the consent of any licensed CMRS operator on whose spectrum they operate under the carrier's blanket license. Otherwise, a wireless provider would have difficulty detecting a signal booster device that was causing interference to its licensed operations. MetroPCS also expressed its view that the Commission lacks the legal authority to license signal boosters by rule as advocated by Wilson Electronics ("Wilson").

MetroPCS recommended that manufacturers be responsible for obtaining authorization for signal booster device operation from each licensee of spectrum on which the device would operate in a particular area. Customers would then be responsible for registering the device with the manufacturer, rather than the wireless provider. This procedure would accord a wireless provider a fair opportunity to test a signal booster device before it commenced operating on its network to assess the prospects for interference. This approach also would increase the prospect that a licensee could locate a device that caused interference.

MetroPCS also expressed its belief that Wilson's concerns regarding wireless carriers' potential lack of cooperation and blanket denial of consent were unfounded. As MetroPCS explained, Wilson has provided no support for its allegation that carriers would refuse to make a good faith effort to evaluate the

prospects for interference and to grant consent where it was reasonable to do so. In response to questions from the Commission staff regarding whether MetroPCS would approve the use of signal boosters on its network that otherwise met the technical specifications, Mr. Stachiw indicated that MetroPCS would likely test any signal boosters which it was presented with for testing and would decide whether to proceed with authorizing such signal boosters based on the test results. Mr. Stachiw further indicated that he thought that such testing could be accomplished in a relatively short period of time. MetroPCS also pointed out that the Commission could monitor carrier behavior and revisit the consent requirement if carriers refused to give consent requests due consideration.

MetroPCS specifically disagreed with the Wilson claim that the Commission has authority to license signal booster devices as a Citizens Band Radio Service (“CB Radio Service”) under the Part 95 rules. While MetroPCS agrees that the Commission has certain power under Section 307(e)(1) to permit operations of transmitters without individual licenses by rule, the operating authority at issue here does not fall within the carefully circumscribed confines of Section 307(e)(1). The signal booster operations under consideration here are fundamentally different from narrow services that the FCC has approved under the CB Radio Services category.<sup>1</sup> For example, the operations that are under consideration here involve the approval of the use of a particular device under an existing licensed radio service, rather than the creation of a distinct service. If the Commission can define this as a CB Radio Service when it bears no relationship to the other types of operations licensed in that category, the Commission’s authority to allow unlicensed operations will be unbounded, in direct contravention of the Communications Act.

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<sup>1</sup> The Commission has recognized that it “has licensed an array of beneficial services by rule by defining the Citizens Band Radio Services to also include the Family Radio Service (FRS), the Low Power Radio Service (LPRS), the Medical Device Radiocommunication Service (MedRadio), the Wireless Medical Telemetry Service (WMTS), the Multi-Use Radio Service (MURS), and the Dedicated Short-Range Communications Service On-Board Units (DSRCS-OBUs).” In Re Amendments of Parts 1, 2, 22, 24, 27, 90 & 95 of the Commission’s Rules to Improve Wireless Coverage Through the Use of Signal Boosters, Notice of Proposed Rulemaking, 26 FCC Rcd. 5490 (¶ 30) (emphasis added). All of these are clearly distinguishable from the circumstances here.

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Any questions regarding this notice should be directed to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl W. Northrop", with a stylized flourish extending to the right.

Carl. W. Northrop  
of TELECOMMUNICATIONS LAW PROFESSIONALS PLLC

cc (via email): Roger Noel  
Joyce Jones  
Becky Schwartz  
Steven Spaeth  
David Horowitz