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September 26, 2012

***Via Electronic Submission***

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, D.C. 20554

Re: ***Oral Ex Parte Communication***  
*Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket No. 12-70; Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, 2000-2020 MHz and 2180-2200 MHz, ET Docket No. 10-142; Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, WT Docket No. 04-356.*

Dear Ms. Dortch:

On September 24, 2012, I spoke by telephone with Tom Peters, Chief Engineer of the Wireless Telecommunications Bureau regarding the above-captioned proceeding.

I reviewed some of the information that had been provided to the Commission in Sprint's September 17, 2012, *Ex Parte Presentation* in this proceeding.<sup>1</sup> Specifically, I discussed with Mr. Peters the current FCC emissions requirements, contained in Section 25.252(c), that require emissions from MSS ATC operations in the 2000-2020 MHz band to be attenuated by at least  $70 + 10 \log P$  dB in the 1990-1995 MHz G Block spectrum held by Sprint. I pointed out that, in adopting this rule, the Commission noted that its out-of-band emissions rules would extend beyond numerical limits: "in the event that a PCS operator receives harmful interference from ancillary ATC base stations or mobile terminals, we will also require that the ATC operator must resolve any such interference."<sup>2</sup> I also noted the provisions of Section 25.252(c)(3), which

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<sup>1</sup> See *Ex Parte Presentation*, Sprint Nextel Corporation, WT Docket No. 12-70, ET Docket No. 10-142, and WT Docket No. 04-356, filed September 17, 2012.

<sup>2</sup> *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands*, IB Docket No. 01-185 and IB Docket No. 02-364, Report and

provide that the Commission may require greater attenuation if an emission outside of the authorized bandwidth causes harmful interference.

I discussed the information provided in Sprint's September 17<sup>th</sup> *Ex Parte Presentation* regarding the LTE user equipment spurious emission requirements adopted in 2011 by 3GPP, noting that DISH has recently proposed to change those co-existence requirements, thereby initiating a process at 3GPP to consider its proposal.<sup>3</sup> In particular, I noted that 3GPP members, including Sprint and DISH's predecessors, agreed in 2011 to adopt Table 6.6.3.2-1, in 3GPP TS 36.101. That table specifies spurious emission requirements from E-UTRA Band 23 user equipment (operating at 2000-2020 MHz) into spectrum at both ends of Sprint's G Block user equipment receive band (at 1990-1995 MHz), but does not identify specific spurious emission protection levels for frequencies within that band. Sprint believes that the current requirements in Table 6.6.3.2-1 and the Commission's rules provide more protection to G Block operations than the protection levels DISH has recently proposed within 3GPP.<sup>4</sup>

I reiterated the commitment made in Sprint's September 17<sup>th</sup> *Ex Parte Presentation* to collaborate with DISH and other members of the 3GPP standards-setting process to adopt emissions protections as quickly as possible.<sup>5</sup> I also affirmed that Sprint approaches the forthcoming 3GPP standards-setting process with a willingness to fully and completely consider any evidentiary demonstrations that DISH may submit as to the appropriate spurious emission limits that should apply to Band 23 user equipment with respect to PCS operations in the 1990-1995 MHz band, so long as such limits are no less protective than those set forth in Section 25.252(c) of the Commission's rules.

Finally, I emphasized that Sprint's concern in this proceeding is to assure that DISH's prospective services can co-exist with both existing and future PCS operations.

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Order and Notice of Proposed Rulemaking, 18 FCC Rcd. 1962, ¶ 119 (2003) ("*Flexibility Order*"). This provision is also codified in Section 25.255.

<sup>3</sup> *Ex Parte Presentation* at 2-6.

<sup>4</sup> 3GPP TS 36.101 specifies that Band 23 devices emissions be limited to -50 dBm in the PCS band below 1990 MHz and to -37 dBm from 1995-1996 MHz. See *Ex Parte Presentation* at 3. Section 25.252(c) of the Commission's rules provide a regulatory requirement that MSS ATC emissions from operations in the 2000-2020 MHz band be attenuated by at least  $70 + 10 \log P$  dB in the PCS band (1930-1995 MHz), which is equivalent to an emissions limit of -40 dBm. However, Sections 25.252(c) and 25.255 also require that MSS ATC licensees correct harmful interference, indicate that the attenuation requirements are based on cdma-2000 technology (with other technology permissible only upon a demonstration by an MSS licensee that "a different system architecture would produce no greater potential interference"), and indicate that the Commission can impose tighter attenuation requirements should harmful interference occur.

<sup>5</sup> *Ex Parte Presentation* at 6.

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Pursuant to Section 1.1206 of the Commission's rules, this letter is being electronically filed with your office. Please let me know if you have any questions regarding this filing.

Respectfully submitted,



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cc: (via e-mail)  
Tom Peters