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October 2, 2012

Via Electronic Filing

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte Presentation*

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 Chairman Genachowski,

This proceeding presents the Federal Communications Commission with an excellent opportunity to foster the goals of the National Broadband Plan by bringing more spectrum to market for wireless broadband services while strengthening competition and maintaining effective interference protection standards. Sprint is filing this *ex parte* communication to assist the Commission in its efforts to enable competitive carriers to provide wireless broadband communications on both the 2 GHz S Band and 2 GHz PCS H Block spectrum, while ameliorating what could otherwise become recurring adjacent-band interference problems. If DISH engages in constructive cooperation with Sprint in the ongoing 3rd Generation Partnership Project (“3GPP”) standards process, as further described below, Sprint anticipates that this work can be completed in six months or less from a favorable Commission decision on these matters, thereby benefiting all stakeholders and the public interest.

Sprint has been a supporter of DISH’s pending request in the instant proceeding to provide primary terrestrial service in its 2 GHz S Band spectrum and has encouraged the Commission to license that spectrum quickly to bring additional competition to the wireless broadband marketplace. Sprint looks forward to participating cooperatively in the ongoing 3GPP standards process for the spectrum at issue here and to completing the remaining standards process upon the Commission adopting final service rules for the 2 GHz S Band and PCS H Block. Sprint has no interest in any delays in the 3GPP process over the next few months, but Sprint’s legitimate concerns below should be addressed immediately.

Sprint’s support for seeing the 2 GHz S Band and adjacent H Block spectrum put to productive use is extensive and longstanding. Apart from Sprint’s successful clearing of Broadcast Auxiliary Service (“BAS”) incumbents from the 2 GHz spectrum in which DISH plans to offer terrestrial broadband services, Sprint is seriously interested in bidding for the adjacent PCS H Block mobile broadband spectrum which Sprint cleared of BAS incumbents and Congress has directed the Commission to

auction by February 2015.¹ Moreover, Sprint is actively deploying 4G LTE mobile broadband communications services *nationwide* in the nearby PCS G Block (1910-1915 and 1990-1995 MHz). Thus, Sprint's primary interest herein is ensuring that *terrestrial* S Band uplink operations at 2000-2020 MHz do not cause increased interference to Sprint's G Block downlink operations at 1990-1995 MHz and do not make the H Block a *de facto* DISH guard band.

As Sprint explained to the Commission in its September 17, 2012 Ex Parte Presentation, current 3GPP standard TS 36.101 specifies that the out-of-band emissions of Band 23 devices (2 GHz S Band devices) be limited to -50 dBm in the PCS band below 1990 MHz and to -37 dBm from 1995-1996 MHz. As a practical matter, this standard will result in out-of-band emissions protection of -40 dBm or greater at the PCS G Block edge at 1995 MHz, increasing to -50 dBm at 1990 MHz. This outcome is jeopardized, however, by DISH's February 2012 proposal to 3GPP to establish a Band 23 emissions protection level of -40 dBm for the entire G Block.² Sprint believes that DISH's proposal would offer diminished interference protection to the G Block, as compared to TS 36.101, and DISH offered no technical support showing to the contrary. Not surprisingly, 3GPP agreed to defer consideration of DISH's proposal pending additional technical study.

As stated above, Sprint supports the Commission's efforts to establish 2 GHz service rules that authorize S Band terrestrial service and establish a broadband-capable H Block without increasing the risk of interference to Sprint's ongoing nationwide G Block LTE deployment. Consistent therewith, Sprint's primary concerns in this proceeding are (1) that there be no diminution or weakening of the PCS G Block interference protections established in 3GPP TS 36.101 and the Commission's rules; and (2) that the Commission makes the H Block fully useful for wireless broadband communications. Sprint respectfully submits that both of these outcomes can be accomplished if DISH withdraws its current 3GPP proposal to modify Band 23 emissions limits into the G Block, agrees to not seek any changes in TS 36.101 or other 3GPP standards that would diminish G Block protection, and agrees to otherwise facilitate the 3GPP standards process with respect to the 2 GHz S Band, and the PCS H and G Blocks. Sprint also reaffirms its consistent position in the record of the AWS-4 service rules rulemaking proceeding that the Commission should establish reasonable service rules that provide H Block operations with the same level of protection from 2 GHz S Band interference as the PCS G Block, and that such protections must also include assurances that any harmful interference from 2 GHz S Band operations to adjacent spectrum be resolved consistent with 47 C.F.R. §§ 25.252(c)(3) and 25.255 (and/or any applicable successor provisions).³ In addition, the Commission should establish out-of-band emissions limits from H Block that assure the competitive utility of H Block and the adjacent bands.

With these outcomes and assurances in place, Sprint will actively facilitate completion of the remaining 3GPP standards process as expeditiously as possible assuming, of course, that DISH likewise agrees to facilitate the 3GPP standards process with respect to the 2 GHz S Band, and the PCS H and G Blocks, as set forth above. Assuming such cooperation, Sprint believes that this work can be completed in six months or less, thereby benefiting all stakeholders and the public interest.

¹ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6401.

² R4-124057, "Addition of missing UE coexistence requirements for Band 23 to TS 36.101 (Rel-10)," DISH Network Corporation, R4-124058, "Addition of missing UE coexistence requirements for Band 23 to TS 36.101 (Rel-11)," DISH Network Corporation; R4-120616, "Correcting UE Coexistence Requirements for Band 23," DISH Network Corporation.

³ See, e.g., Sprint Nextel Reply Comments, Docket Nos. 12-70 and 04-356 and ET Docket No. 10-142, at 8-9 (June 1, 2012).

We look forward to assisting the Commission with its efforts to introduce new and innovative broadband services that will advance the public interest.

Respectfully submitted,

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