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December 3, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in WT Docket No. 12-70, *Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands*; ET Docket No. 10-142, *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, and 2000-2020 MHz and 2180-2200 MHz*; and WT Docket No. 04-356, *Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH") submits this letter summarizing meetings as follow:

- A meeting on November 29, 2012 with Chairman Julius Genachowski; Zachary Katz, Chief of Staff for Chairman Genachowski; Renee Gregory, Legal Advisor to Chairman Julius Genachowski; Ruth Milkman, Chief, Wireless Telecommunications Bureau; Tom Peters, Chief Engineer, Wireless Telecommunications Bureau; and John Leibovitz, Deputy Chief, Wireless Telecommunications Bureau. Present on behalf of DISH were Charlie Ergen, Chairman; Thomas Cullen, Executive Vice President; Stanton Dodge, Executive Vice President and General Counsel; and Jeffrey Blum, Senior Vice President and Deputy General Counsel.
- A meeting on November 29, 2012 with Commissioner Robert McDowell and Angela Giancarlo, Chief of Staff and Senior Legal Advisor, Wireless and International for Commissioner McDowell. Present on behalf of DISH were Charlie Ergen, Chairman; Thomas Cullen, Executive Vice President; and Stanton Dodge, Executive Vice President and General Counsel.
- A meeting on November 29, 2012 with Commissioner Mignon Clyburn and Louis Peraertz, Legal Advisor, Wireless, International, and Public Safety for Commissioner Clyburn. Present on behalf of DISH were Charlie Ergen, Chairman; Thomas Cullen, Executive Vice President; and Stanton Dodge, Executive Vice President and General Counsel.

- A telephone call on November 29, 2012 between Commissioner Jessica Rosenworcel and Mr. Ergen.
- A meeting on November 29, 2012 meeting with Commissioner Ajit Pai; Matthew Berry, Chief of Staff for Commissioner Pai; and Courtney Reinhard, Legal Advisor, Wireless, for Commissioner Pai. Present on behalf of DISH were Charlie Ergen, Chairman; Thomas Cullen, Executive Vice President; Stanton Dodge, Executive Vice President and General Counsel; and Jeffrey Blum, Senior Vice President and Deputy General Counsel.
- A meeting on November 29, 2012 with Renee Gregory, Legal Advisor to Chairman Julius Genachowski; Tom Peters, Chief Engineer, Wireless Telecommunications Bureau; John Leibovitz, Deputy Chief, Wireless Telecommunications Bureau; Jeremy Marcus, Assistant Chief, Broadband Division, Wireless Telecommunications Bureau; Chris Helzer, Broadband Division, Wireless Telecommunications Bureau; Janet Young, Broadband Division, Wireless Telecommunications Bureau; and Michael Ha, Office of Engineering and Technology. Present on behalf of DISH were Jeffrey Blum, Senior Vice President and Deputy General Counsel; Mariam Sorond, Vice President, Technology Development; and Alison Minea, Corporate Counsel.
- A telephone call on November 29, 2012 between David Goldman, Senior Legal Advisor to Commissioner Rosenworcel, and Alison Minea, Corporate Counsel for DISH.
- A telephone call on November 29, 2012 between Courtney Reinhard, Legal Advisor, Wireless, for Commissioner Pai, and Jeffrey Blum, Senior Vice President and Deputy General Counsel for DISH.
- A telephone call on November 30, 2012 between John Leibovitz, Deputy Chief, Wireless Telecommunications Bureau, and Jeffrey Blum, Senior Vice President and Deputy General Counsel for DISH.
- A telephone call on December 3, 2012 between Louis Peraertz, Legal Advisor, Wireless, International, and Public Safety for Commissioner Clyburn, and Jeffrey Blum, Senior Vice President and Deputy General Counsel for DISH.
- A telephone call on December 3, 2012 between David Goldman, Senior Legal Advisor to Commissioner Rosenworcel, and Jeffrey Blum, Senior Vice President and Deputy General Counsel for DISH.
- A telephone call on December 3, 2012 between John Leibovitz, Deputy Chief, Wireless Telecommunications Bureau, and Jeffrey Blum, Senior Vice President and Deputy General Counsel for DISH.

During the meetings, DISH stressed that it stands ready to inject much needed investment and competition into the wireless industry, but its ability to enter the market quickly hinges, among

other things, upon the Commission adopting final rules that keep the relevant technical standards in place. Specifically, DISH urged the Commission to adopt the out-of-band emissions (“OOBE”) and in-band power levels that were proposed in the *AWS-4 NPRM* and that are consistent with existing industry standards.¹ DISH explained that any modification to these OOBE or in-band power levels would endanger DISH’s entry into the wireless market by introducing serious regulatory and technical obstacles into DISH’s planned deployment. Among other things, any changes to these OOBE or in-band power levels would likely result in the reopening of the 3rd Generation Partnership Project (“3GPP”) standard-setting process for the AWS-4 band and the substantial delays associated therewith.²

Recognizing that the Commission desires to retain flexibility in the future use of the H Block, DISH offered to voluntarily designate the lowest 5 MHz of its uplink spectrum (2000-2005 MHz) as an internal terrestrial guard band, provided that safeguards are adopted to ensure that the remaining 15 MHz of its uplink spectrum (2005-2020 MHz) can be utilized as fully and as quickly as possible for mobile broadband.

Specifically, DISH proposed among other things that: (a) the Commission adopt the in-band power and OOBE limits that were proposed in the *AWS-4 NPRM* and that are consistent with Band 23 as defined today by 3GPP; (b) the AWS-4 operator commit, as a condition of the AWS-4 license, to meet an OOBE limit of -30 dBm/MHz at 2000 MHz if the H Block is auctioned and used for full-power LTE; and (c) any forthcoming proceeding to adopt service rules for the H Block conclude that the H Block operator must meet an OOBE limit of -49 dBm/MHz at 2005 MHz.

Respectfully submitted,

/s/

Jeffrey H. Blum

cc: Zachary Katz
Renee Gregory
Angela Giancarlo
Louis Peraertz
David Goldman
Matthew Berry
Courtney Reinhard

¹ 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, and 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, *Notice of Proposed Rulemaking and Notice of Inquiry*, FCC 12-32, ¶ 33, 61 (rel. Mar. 21, 2012) (“*AWS-4 NPRM*”).

² See Letter from Jeffrey H. Blum, DISH Network Corporation, to Marlene H. Dortch, Secretary, FCC, WT Dkt. Nos. 12-70 and 04-356 and ET Dkt. No. 10-142, at 1-2 (Nov. 26, 2012).

Ruth Milkman
Tom Peters
John Leibovitz
Chris Helzer
Janet Young
Michael Ha