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December 7, 2012

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BY ELECTRONIC COMMENT FILING SYSTEM

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

Re: Ex Parte Notice – WT Docket No. 12-332 (700 MHz Waiver Requests); Docket No. 12-268
(Broadcast Incentive Auctions); WT Docket No. 12-69 (Lower 700 MHz Interoperability)

Dear Ms. Dortch:

On December 5, 2012, Mark A. Stachiw, Vice Chairman, Secretary & General Counsel of MetroPCS Communications, Inc. (“MetroPCS”), along with Carl W. Northrop and Andrew Morentz of Telecommunications Law Professionals PLLC (“TLP”), met with Roger Noel, Becky Schwartz, Amanda Krohn, Lloyd Coward, Thomas Derenge, Brian Regan and Nicole McGinnis of the Wireless Telecommunications Bureau. The parties discussed MetroPCS’ pending request for a waiver or extension of the interim construction obligations¹ applicable to MetroPCS’ Lower 700 MHz A Block license covering the Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH-RI-VT economic area (the “Market”).² The presentation was consistent with MetroPCS’ previously-filed waiver request (the “Waiver Request”),³ as supplemented below.

MetroPCS began by summarizing its Waiver Request, including the factual circumstances specific to MetroPCS that make it a unique and particularly compelling case for a waiver. Specifically, MetroPCS outlined for the participants the substantial extent to which the Market is impacted by the 60-mile exclusion zone that must be afforded to Providence-based Channel 51 broadcaster, WJAR. MetroPCS pointed out that, not only does the WJAR exclusion zone cover approximately 30 percent of the geography in the Market, but also it covers approximately 80 percent of the Market’s population. MetroPCS explained that the exclusion of the most densely-populated area of the Market presents unique challenges to MetroPCS’ business model, which is generally premised on first serving the dense, urban core in a market, and later expanding outward as its customer base in the market grows. Further, MetroPCS explained that the WJAR exclusion area also largely overlaps MetroPCS’ current coverage footprint in the Market, meaning that satisfying the interim construction obligation may force MetroPCS

¹ 47 C.F.R. § 27.14(g)(1).

² MetroPCS’ license covers BEA003 and is identified by call sign WQ1Z788.

³ See ULS File No. 0005452812 (requesting waiver or extension of interim construction obligations applicable to WQ1Z578).

to undertake an uneconomic greenfield build in sparsely populated areas of the Market, rather than efficiently deploying the spectrum across its existing wireless network, where capacity is needed most.

MetroPCS also summarized for the Commission the efforts it has undertaken in an attempt to resolve the interference issues, including its discussions with WJAR. MetroPCS pointed out the challenges present in reaching a resolution with WJAR, including the fact that the available vacant channels would either require WJAR to relocate to a less desirable channel or to reduce the population within WJAR's service contour. In addition, WJAR is a network-affiliated station that is part of a multi-city television ownership group.

MetroPCS then urged the Commission to act promptly on its Waiver Request, noting that it, and many other carriers who filed waiver requests, face long lead times with respect to zoning, equipment procurement and network construction. MetroPCS is concerned that, without a decision on its Waiver Request by January 2013, it will be forced to make the unpleasant choice between not constructing the spectrum and seeing its license term shortened, or expending significant resources constructing facilities that will have no commercial utility due to the Channel 51 overlap, solely to meet its interim construction obligation and avoid losing two years off of the license term. MetroPCS explained to the Commission the problems associated with each alternative.

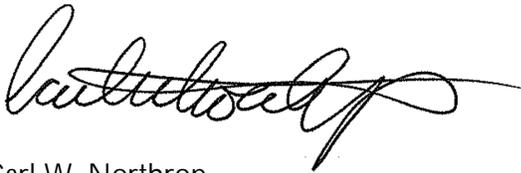
The participants also discussed how MetroPCS' Channel 51 problem has been exacerbated by unintended, intervening circumstances, a fact that further justifies the grant of its Waiver Request. Specifically, (i) neither MetroPCS nor the Commission anticipated the staunch unwillingness of Channel 51 broadcasters to voluntarily relocate to non-interfering channels; (ii) the Commission's upcoming broadcast incentive auction appears to have entrenched many Channel 51 broadcasters in their positions, lest by voluntarily relocating they lose the opportunity to receive incentive auction revenue; (iii) the Commission continued to process Channel 51 applications for nearly two years after the 700 MHz auction, creating substantial additional uncertainty, which served to stifle development of an A Block equipment ecosystem; and (iv) the lack of technical solutions to effectively resolve the interference issue. MetroPCS advocated that Channel 51 be moved from its current location as promptly as possible, and, at the very latest, in connection with the channel repacking associated with the upcoming incentive auction.

MetroPCS additionally emphasized the role that a lack of Lower 700 MHz interoperability has played in delaying A Block deployment. The intervening creation of Band Class 17 – a boutique 700 MHz band class that excludes the A Block – has significantly delayed equipment availability timelines, increased equipment costs to A Block licensees and curtailed the ability of A Block licensees to offer 700 MHz roaming capabilities to their customers. Although MetroPCS stressed that its unique circumstances and Channel 51 interference issues forms an ample basis on which to grant its Waiver Request, it also advocated that the lack of a resolution to the industry-wide interoperability problem constitutes a second, independent grounds for granting the Waiver Request.

Please direct any questions in connection with this notification to the undersigned.

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Sincerely,

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

Carl W. Northrop
of TELECOMMUNICATIONS LAW PROFESSIONALS PLLC

cc (via email): Roger Noel Becky Schwartz
 Amanda Krohn Lloyd Coward
 Thomas Derenge Brian Regan
 Nicole McGinnis