

EX PARTE PRESENTATION

February 21, 2013

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

John L. Flynn
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Re: Ex Parte Presentation in WT Docket No. 12-327

Dear Ms. Dortch:

On February 19, 2013, Blake Hawk, Monica Gambino, and Todd Bailey of Crown Castle International Corp. (“Crown Castle”) and Sam Feder and the undersigned on behalf of Crown Castle met with the following Federal Communications Commission (“Commission”) staff: Ruth Milkman, Paul Murray, Lloyd Coward, and Nina Shafran.

During the meeting, Crown Castle urged the Commission to expeditiously grant the request of its wholly owned subsidiary, OP LLC, for a three-year extension of the current construction requirement for its 1670-1675 MHz spectrum (“Spectrum”). Crown Castle reiterated that the Spectrum is leased to a LightSquared affiliate under a long-term *de facto* transfer lease, and that satisfying the substantial service requirement by the October 1, 2013 deadline is not practical for several reasons, including the Commission’s actions halting construction of LightSquared’s terrestrial network.

Crown Castle emphasized that, although the Spectrum is leased to a LightSquared affiliate, the extension request does not depend on any particular resolution of the LightSquared petitions. Rather, the Commission should grant the requested extension to maintain the *status quo* pending the decisionmaking process on those petitions, as the Commission recently did when it granted LightSquared’s recent request for an extension of its own construction requirements for its non-leased spectrum.¹

¹ See *In the Matter of LightSquared Subsidiary LLC, Request for Relief From Build-Out Conditions*, Order, DA 12-2051, IB Docket No. 12-296 (rel. Dec. 20, 2012).

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Crown Castle also reminded the Commission that it remains the licensee of the Spectrum and is committed to ensuring that the construction requirements are met. This situation is therefore fundamentally different from cases in which the Commission has denied extension requests because the licensee relied on the performance of a third-party, which failed to meet the deadline. Here, Crown Castle filed its extension request nearly one year before the construction deadline to avoid just this result.

Finally, Crown Castle stressed that the Commission possesses ample authority to grant the requested extension. The many cases cited in Crown Castle's request demonstrate that the Commission can and should grant the extension, and no authority precludes relief. The extension is justified on multiple bases, including the highly unusual regulatory shift currently halting the lessee's network, a lack of equipment, and the desire to avoid inefficient investment and promote broadband service.

Please contact me if you have any questions regarding this meeting.

Sincerely,

/s/ John L. Flynn

John L. Flynn

cc: Ruth Milkman
Paul Murray
Lloyd Coward
Nina Shafran