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## **EX PARTE PRESENTATION**

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

Re: Ex Parte Presentation in WT Docket No. 12-269, *Policies Regarding Mobile Spectrum Holdings*

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 to supplement the record in the Commission's *Spectrum Screen NPRM*.<sup>1</sup> DISH agrees with various parties that it is appropriate to consider adding AWS-4 spectrum to any updated spectrum screen.<sup>2</sup> However, the *AWS-4 Order* established power limits for the AWS-4 uplink that rendered the lower 5 MHz of the band (2000-2005 MHz) unusable for mobile broadband.<sup>3</sup> Because this 5 MHz of spectrum is no longer "suitable and available for mobile telephony/broadband services,"<sup>4</sup> it should be excluded from the spectrum screen. As a result, only the remaining 35 MHz of AWS-4 spectrum should be included in any new spectrum screen mechanism the Commission adopts.

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<sup>1</sup> See *Policies Regarding Mobile Spectrum Holdings, Notice of Proposed Rulemaking*, 27 FCC Rcd. 11710 (2012) ("*Spectrum Screen NPRM*").

<sup>2</sup> See AT&T Inc. Comments at 42, United States Cellular Corporation Comments at 3, Verizon Wireless Comments at 20. See also Leap Wireless International, Inc. and Cricket Communications, Inc. Reply Comments at 2, Rural Telecommunications Group Reply Comments at 11-12.

<sup>3</sup> See *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, *Report and Order and Order of Proposed Modification*, FCC 12-15, ¶¶ 79-93 (rel. Dec. 17, 2012) ("*AWS-4 Order*").

<sup>4</sup> See *Spectrum Screen NPRM* ¶ 33.

Respectfully submitted,

/s/ Jeffrey H Blum

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