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March 19, 2014

**Ex Parte**

Ms. Marlene H. Dortch  
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Federal Communications Commission  
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**Re: Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands, GN Docket No. 13-185**

Dear Ms. Dortch:

On March 18, 2014, I spoke by telephone with John Leibovitz, Deputy Chief of the Wireless Telecommunications Bureau, to discuss DISH Network's March 14, 2014 proposal that the FCC add DISH's AWS-4 downlink spectrum at 2180-2200 MHz to an AWS-1/3 interoperability requirement.

During the call, I noted that the AWS-3 Notice of Proposed Rulemaking did not propose or seek comment on an interoperability requirement between AWS-3 and AWS-4.<sup>1</sup> In addition, the record in this proceeding was devoid of any mention of AWS-4 interoperability until DISH's March 7, 2014 ex parte, which included one slide with an AWS band plan that was titled "Proposed AWS-1/3/4 Interoperability" but did not include any substantive discussion of the issue.<sup>2</sup> DISH's reply comments in this proceeding did not discuss interoperability.<sup>3</sup> Instead, the first substantive filing setting forth an AWS 1/3/4 proposal was on March 14, 2014, just two weeks before the FCC is expected to adopt service rules for the AWS-3 band and just one week before the sunshine deadline.<sup>4</sup> As a result, I said that the parties to this proceeding have not had a meaningful opportunity to evaluate this proposal from a technical or other perspective or to

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<sup>1</sup> See generally *Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands*, GN Docket No. 13-185, Notice of Proposed Rulemaking, 28 FCC Rcd 11479 (2013) ("AWS-3 NPRM").

<sup>2</sup> Letter from Jeffrey H. Blum, DISH, to Marlene H. Dortch, FCC, GN Docket No. 13-185, at Attachment at 5 (filed Mar. 7, 2014).

<sup>3</sup> Reply Comments of DISH Network Corporation, GN Docket No. 13-185 (filed Oct. 17, 2013).

<sup>4</sup> Letter from Jeffrey H. Blum, DISH, to Marlene H. Dortch, FCC, GN Docket No. 13-185 (filed Mar. 14, 2014).

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address the proposal from a substantive standpoint. Nor is there time to conduct such as evaluation in the short time before the sunshine window in this proceeding closes. Given the lack of notice, I urged the Commission to reject the introduction of a new issue into this proceeding at this late date.

In addition, we discussed the 3GPP standards work that is already underway to develop a single AWS-1/3 band class. Adding AWS-4 downlink spectrum could slow this work, resulting in delayed AWS-3 deployment and device availability.

Finally, while the parties have not had an opportunity to assess the proposal, we discussed the fact that there are issues that will require evaluation. We discussed that there may be other technical limitations that could prevent or delay the development of a band class that includes AWS-1, AWS-3, and AWS-4 downlinks. For example, Verizon is not aware of any studies regarding the impact that federal AMT operations at 2200-2290 MHz could have on AWS-3 equipment that also includes the AWS-4 downlink band. In addition, to date, the 3GPP has not created an asymmetrical band class, such as the one proposed by DISH. While Verizon does not know whether these obstacles are insurmountable, there simply has not been time to assess the viability of a single AWS-1/3/4 band class in this proceeding.

This letter is being filed pursuant to Section 1.1206 of the Commission's Rules. Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "John Leibovitz".

cc: (via e-mail)

John Leibovitz