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March 25, 2014

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## Via ECFS

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

Re: *Notice of Ex Parte Presentation*  
Docket No. 13-185

Dear Ms. Dortch:

In accordance with Section 1.1206(b)(2)(v) of the Commission's rules, 47 C.F.R. §1.1206(b)(2)(v), United States Cellular Corporation ("USCC"), by its attorneys, hereby provides notice that, on March 25, 2014, at approximately 9:00 a.m. EST, Grant Spellmeyer, Vice President, Federal Affairs and Public Policy, USCC, spoke briefly via telephone with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn. During the call, Mr. Peraertz asked Mr. Spellmeyer for additional information regarding whether licensing the 1755-1780 MHz and 2155-2180 MHz bands (the "AWS-3 bands") on the basis of paired 5x5 megahertz blocks and Cellular Market Areas ("CMAs") could complicate coordinating future commercial operations in these bands with incumbent Federal users. This telephone conversation and the following *ex parte* presentation were "requested by" Mr. Peraertz "for the clarification or adduction of evidence" in the above-referenced proceeding, *see* 47 C.F.R. §1.1204(a)(10), and therefore are exempt from the Sunshine period prohibition. *See* 47 C.F.R. §1.1203(a)(1).

Throughout this proceeding, USCC has strongly urged the Commission to license the AWS-3 bands exclusively on the basis of paired 5x5 megahertz blocks and CMA-based license areas. A large majority of other participants in this proceeding likewise support both 5x5 megahertz blocks<sup>1</sup> and CMA-based license areas.<sup>2</sup> As previously detailed by USCC, these actions are necessary in order to ensure robust participation in the AWS-3 auction, maximize

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<sup>1</sup> *See, e.g.*, Reply Comments of AT&T, GN Docket No. 13-185, p. 7 (Oct. 28, 2013) ("The Commission's proposal to assign the AWS-3 spectrum at 1755-1780 MHz and 2155-2180 MHz in paired 5 x 5 blocks enjoyed broad support."); Comments of T-Mobile USA, Inc., GN Docket No. 13-185, p. 28 (Sept. 18, 2013); Comments of Mobile Future, GN Docket No. 13-185, p. 15 (Sept. 18, 2013).

<sup>2</sup> *See, e.g.*, Reply Comments of USCC, GN Docket No. 13-185, p. 31, n. 177 (Oct. 28, 2013) (listing some of the commenters expressing support for CMAs); Letter from Michael Calabrese, Director, Wireless Future Project at the Open Technology Institute, New America Foundation, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-185 (Mar. 24, 2014).

auction revenue, and promote competition in the wireless industry.<sup>3</sup> These substantial public interest benefits should not be put at risk simply because the two largest carriers – who alone likely would benefit from larger spectrum blocks and geographic license areas – now claim that 5x5 MHz blocks and the use of CMAs would complicate the coordination process between commercial AWS-3 licensees and Federal users.

No sound basis exists for this claim, and the industry’s experience with the AWS-1 spectrum in fact demonstrates the opposite. As T-Mobile previously noted, the procedures developed by the Commission and NTIA for the AWS-1 bands “provided an orderly mechanism by which to achieve coordination and ensure the protection of federal operations.”<sup>4</sup> Others, including CTIA, have similarly recognized that “the wireless industry recently [] developed a great deal of experience in working with federal incumbents in AWS-1 spectrum” which will “serve to ease the transition of the 1755-1780 MHz spectrum from federal to commercial use.”<sup>5</sup>

Notably, even if the Commission licenses all of the paired AWS-3 spectrum on the basis of 5x5 megahertz blocks, the number of licenses in each market that would potentially need to be coordinated with Federal users would be less than the number of AWS-1 licenses in each market.<sup>6</sup> Moreover, for several reasons, it is unlikely that there will be 104 unique winning bidders in the AWS-3 auction, like there were in the AWS-1 auction. For instance, since 2006, the wireless industry has become significantly more concentrated; unlike with AWS-1, there can be no more than five AWS-3 spectrum blocks per market; and some carriers may decide to conserve their limited resources in hopes of acquiring licenses for the 600 MHz band. In other words, even if the Commission licenses the AWS-3 bands on the basis of 5x5 blocks and CMAs, coordination between AWS-3 licensees and Federal users will almost certainly be less complicated and burdensome than the AWS-1 coordination process, which has generally been very successful.

USCC also notes that Federal users, including the Department of Defense, will utilize an automated portal in order to administer coordination requests made by AWS-3 licensees, which will greatly simplify, and significantly speed up, what already proved to be a successful process for the AWS-1 bands. Finally, USCC notes that an additional number of AWS-3 licenses – whether as a result of smaller spectrum blocks, smaller license areas, or both – does not necessarily mean that there will be a greater number of AWS-3 networks that will require coordination with Federal users. To allege otherwise implies that at least some of the areas encumbered by Federal users would be completely contained within a single EA, but would affect several license areas if the spectrum is licensed on the basis of CMAs. But those

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<sup>3</sup> See Comments of Verizon Wireless, GN Docket No. 13-185, p. 15 (Sept. 18, 2013) (“5 MHz pairings could provide small and rural service providers with the opportunity to acquire the spectrum that they need, without forcing them to acquire more than they need.”).

<sup>4</sup> Comments of T-Mobile USA, Inc., GN Docket No. 13-185, p. 10 (Sept. 18, 2013).

<sup>5</sup> Comments of CTIA – The Wireless Association, ET Docket No. 10-123, p. 7 (Apr. 22, 2011); see Comments of Ericsson, ET Docket No. 10-123, p. 22 (Apr. 22, 2011) (“The federal uses of this band are predominantly similar to the uses of 1710-1755 MHz that industry has been clearing over recent years...”).

<sup>6</sup> See 47 C.F.R. §27.5(h) (specifying six AWS-1 spectrum blocks in each market area).

