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February 23, 2012

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

Re: WT Docket No. 11-18
File No. 0004566825
RM-11592

Dear Madam Secretary:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R., this correspondence constitutes notice of a permissible ex parte presentation in the captioned proceeding.

The meeting transpired on February 21, 2012. Representatives from Cavalier Wireless, LLC; Continuum LLC and King Street Wireless, LP, as set forth below, met with Ms. Amy Levine of Chairman Genachowski's office.

Attendees for Cavalier, Continuum and King Street included: (1) Nash Neyland, Esq., Officer, Cavalier; (2) Mr. Clark Akers, member of management committee, Continuum; (3) Ms. Allison DiNardo, President of General Partner, King Street; (4) Mr. Chip Pickering and Ms. Susan Butler, regulatory analysts for Cavalier and Continuum; (5) Mr. Dominic Villecco, engineering consultant for Cavalier, Continuum and King Street; and (6) Tom Gutierrez, counsel for Cavalier, Continuum and King Street.

At the meeting, the presenters made the following arguments:

1. There is a need to commence the interoperability NPRM promptly, and conclude it prior to year's end

2. The Commission's focus in this proceeding should be on whether interoperability is technically feasible, and at what cost. Other, even somewhat related, matters should be dealt with primarily in other proceedings.
3. That King Street may well soon offer commercial LTE service in no way undermines the need for interoperability. As conditions exist today, without interoperability, any Band 12 carrier is at a disadvantage regarding 4G roaming capability. Equipment options are also quite limited, and volume pricing is not available without interoperability.
4. The cost of non-interoperability was explained. For Greenfield licensees, it could cause licensees to never be able to compete. If they can become operational, they will be at a distinct disadvantage to the two largest carriers in any number of ways. Lack of roaming capabilities will inhibit customer acquisition and retention. It would also necessitate, in one manner or another, downward adjustment in price point to remain competitive. Equipment will also cost more, given lack of volume discounts, and fewer cutting edge equipment options will be available to smaller carriers.
5. The Commission was reminded that thirty years ago the Commission wisely mandated interoperability and that it has been the law of the land until after Auction 73. Only after the auction was Band 17 – which has undermined interoperability – proposed, then established.
6. It was stressed that interoperability is technically feasible. There are no major technical issues in need of being resolved in order to implement interoperability. In this context it was urged that all commenters in the upcoming NPRM be asked to present hard support for positions that they advocate.
7. It was noted that a number of efforts are currently underway to resolve this issue informally, but it is too early to predict whether such efforts would be successful. The Commission was urged not to hold up action on interoperability in the hopes that a voluntary industry solution could be found.

Please direct any questions to the undersigned counsel for Cavalier, Continuum and King Street.

Very truly yours,

/s/ Thomas Gutierrez
Counsel for Cavalier Wireless, LLC;
Continuum LLC; King Street Wireless, LP

cc: Amy Levine