



November 15, 2004

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 03-103
Ex Parte Presentation

Dear Ms. Dortch:

T-Mobile USA (“T-Mobile”) submits this letter in support of authorizing multiple providers of air-to-ground broadband service in the 849-851 and 894-896 MHz band. T-Mobile’s interest in this matter stems from its status as the largest commercial WiFi provider in the United States. Airports and airline club lounges are among the thousands of locations served by T-Mobile’s HotSpot service. T-Mobile would like to be able to extend its competitive broadband service from airports to in-flight commercial aircraft. It recognizes, however, that its ability to offer its customers this service could be severely limited or even foreclosed unless the Commission licenses multiple competitors in the air-to-ground band.

T-Mobile believes that there is an important competitive issue that the Commission must address in this proceeding. If the Commission were to authorize an exclusive provider in the only band currently allocated for terrestrial air-to-ground service, the result could be a higher-priced, lower quality and less innovative service for consumers. We believe that the public interest would be better served by accommodating multiple licensees in the ATG band, assuming that it is technically feasible to do so.

T-Mobile would be less concerned if it were possible to launch a competitive alternative in a different part of the radio spectrum. Unfortunately, the economics of providing satellite-delivered broadband service limits its availability to wide-body, long haul aircraft. The record in this proceeding demonstrates that it is significantly more expensive to outfit a plane with the technologically more complex equipment associated with satellite service. The lack of a viable alternative for most domestic flights makes it imperative that the Commission examine closely the ability of two operators to share the ATG band and adopt a multiple license approach if there are reasonable means of achieving such sharing.



Finally, T-Mobile understands that the Commission is also considering authorizing the air-to-ground licensee(s) to provide ancillary terrestrial service. While T-Mobile generally supports flexible service rules, it notes that this is the only band currently allocated to terrestrial air-to-ground service. As such, the Commission should ensure that the licensee(s)' predominant use of this spectrum is for the provision of air-to ground service. Because this band is located immediately adjacent to CMRS spectrum, there is a significant risk that the licensee would decide to abandon the ATG market and instead deploy the spectrum to offer terrestrial CMRS services only. Because such an eventuality would foreclose T-Mobile's ability to provide in-flight HotSpot service, it requests that the Commission impose an obligation on the licensee(s) to use the spectrum predominantly to provide air-to-ground service.

T-Mobile respectfully requests that this letter be entered into the above-referenced docket pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2).

Sincerely,

/s/ Thomas J. Sugrue
Vice President, Government Affairs