NextWave WIRELESS

75 Holly Hill Lane
Greenwich, CT 06830

Voice (203) 742-2539
Fax (203) 742-2560

November 20, 2007

Mr. Adrian Scrase, Secretary
3GPP Project Coordination Group

Re: IPWireless Objection to DOB Work Item

Dear Mr. Scrase,

I am the General Counsel of NextWave Wireless Inc. and write to you on behalf of our wholly-owned subsidiary IPWireless in relation to the ongoing matter of the DOB work item in TSG RAN. Both NextWave and IPWireless participate in 3GPP through their memberships in ATIS and ETSI, respectively. We direct this communication to you in your capacity as secretary of 3GPP Project Coordination Group (PCG) to ask for your immediate assistance to prevent further inappropriate activities planned for this matter at the upcoming RAN plenary meeting scheduled for next week. As detailed in our objection to the DOB work item, serious procedural violations have occurred in the promotion of this work item, and it is imperative that they not be compounded by further actions at the RAN plenary until there has been a ruling on the objection.

As you are aware, the objection to the adoption of the work item into the PCG work program was submitted to PCG in June 2007 under article 40 of the 3GPP working procedures. In this objection it is alleged that the approvals process used to create the work item did not follow 3GPP working procedures. In particular it is alleged that article 25 was breached in that no formal or informal consensus was obtained before the RAN

chair declared the work item as approved. This is supported by the minutes of RAN meeting #36.

Change requests around which the work item was approved were rejected by formal vote in July 2007.

Since that time, at the TSG RAN meeting #37 in September, Ericsson requested that the TSG RAN chair schedule a further vote on this topic and this was agreed by the RAN chair. The vote has been included within the agenda for RAN meeting #38 (27th – 30th November 2007). The RAN chairman has stated that the question on which voting is to take place will be "*do you agree to stop the DOB work item*".

We understand that voting questions are phrased in such a way in 3GPP that a majority (>71%) is required to approve a proposed change to the current state. In order to comprehend any such vote, the key consideration is knowledge of the current state that is the subject of the proposed change. However, in this instance, the current state of the DOB work item is unresolved and its creation is contested. Since the DOB work item has never received the requisite consensus and been properly adopted, the more appropriate phrasing of the question for the RAN meeting should be "*do you agree to open the DOB work item*". Since the DOB work item has not been approved, the burden of a 71% majority vote should be required to create the feature (as is required of article 25), rather than the proposed question to stop a feature that has yet to receive approval in compliance with article 25.

Not only is the planned formulation inappropriate, but it is misleading to elevate the item to a status that it has not achieved. The proposed vote compounds the distortion of the adoption process initiated by the RAN chair by providing that an item is deemed "adopted" unless a majority vote of 71% has been cast against it. The effect of twisting the vote in this manner is to allow the vote of 30% to "adopt" the item by voting against the motion to "stop" the item. This is obviously not the process contemplated under Article 25 and is a serious breach of 3GPP procedures.

Hence we feel that it is inappropriate for TSG RAN to hold any vote concerning the status of the DOB work item until the article 40 objection has been heard by PCG. We ask that PCG take the necessary action to avoid further decision making within TSG

RAN that may prejudice the outcome of this matter. We request that the vote scheduled for RAN meeting #38 be cancelled and deferred until such time as the PCG shall have acted upon the pending objection to the DOB work item.

Thank you in advance for your consideration and action in this matter.

Sincerely,

Frank A. Cassou
Executive Vice President, General Counsel
NextWave Wireless Inc.

cc: Ms. Wang Zhiqin, PCG chair wangzhiqin@mail.ritt.com.cn
Mr. Francois Couau, TSG RAN chair francois.courau@alcatel-lucent.fr
Mr. Walter Weigel, ETSI walter.weigel@etsi.org
Mr. Asok Chatterjeee, ATIS asok.chatterjee@ericsson.com
Mr. Nick Anderson, IPWireless nanderson@ipwireless.com