

## **Exhibit A – Request for Special Temporary Authority**

NextWave Telecom, Inc. (“NT”) pursuant to Section 309(f) of the Communications Act of 1934, as amended, and Section 21.25 of the Commission’s rules, hereby requests Special Temporary Authority (“STA”) for a period of one-hundred and eighty (180) days to allow it to test, demonstrate, and evaluate 3<sup>rd</sup> Generation TD-CDMA broadband wireless data technology utilizing MMDS frequencies. The equipment testing, demonstrations, and evaluations to be facilitated by the STA will be conducted at eight (8) sites in and around the Henderson, Nevada area.

Nevada MDS, Incorporated (“NVMDS”) is the licensee of MMDS call signs WHT724 and WHT722 in Las Vegas, Nevada, authorized on channels E1-E2 and F1-F2, respectively. On March 10, 2004, NVMDS and NextWave Power Partners, Inc. (“NPPI”), a wholly-owned subsidiary of NT filed an application seeking Commission approval to assign these call signs from NVMDS to NPPI (File no. 20040310AAA). The assignment application was placed on Public Notice as accepted for filing on March 17, 2004 (Public Notice Report No. 1775). Until the Commission acts on the pending assignment application and consummation of the transaction by the parties is complete, NPPI seeks to utilize a portion of the capacity of stations WHT724 and WHT722 on channels E2 and F1, respectively, pursuant to an STA.

The Commission already has granted NT an STA to conduct in-building testing, demonstrations, and evaluations of TD-CDMA equipment in Henderson, through (90-day STA granted on December 17, 2003. See File No. 0493-EX-ST-2003. The STA is licensed under Call Sign WB9XVM). NT seeks now to expand those activities through deployment of an eight (8) site two-way developmental network in Henderson using channels F1 and E2 (for a complete explanation of the technical details and information showings required by the Commission’s rules, including the proposed site locations, as well as an interference study and environmental impact statement, see the Engineering Statement attached as **Exhibit B**). Expanding from in-building activity to a more broadly deployed 8 site network is an incremental and necessary step in the evolution of the testing process. The purpose of the exercise is to determine the suitability of broadband wireless equipment manufactured by IPWireless Incorporated for commercial deployment on a widespread basis. The testing and evaluation will assess range, data throughput, and system capacity. Demonstrations will be provided to potential investors and business partners.

Grant of the STA will enable NT to gather data sufficient to determine whether the equipment being tested ultimately can be developed further so as to enable NT to launch advanced two-way broadband services on a commercial basis in the greater Las Vegas metropolitan area. This is the very type of service the Commission has repeatedly recognized as being in demand and as furthering the public interest. This is especially the case in small and medium sized markets, such as Las Vegas, where there often is no practical alternative broadband option, save possibly service through incumbent monopoly providers. STA also is needed in order to permit currently-available investment to be applied to the provision of such service. Given the current investment climate, delay in the immediate receipt of operating authority may cause the availability to such investment

to come into question at a later time. (In other words, meaningful questions exist with respect to whether now-available investment will continue to be available if not utilized promptly.) Moreover, grant of the instant request would injure no one and would in no way undermine the public interest. For all of these reasons, NT submits that grant of the instant request would serve the public interest, convenience and necessity.