EX PARTE OR LATE FILED

AT&T

Cathleen A. Massey
Vice President - External Affairs

AT&T Wireless Services, Inc.
Fourth Floor
1150 Connecticut Ave. NW
Washington, DC 20036
202 223-9222
FAX 202 223-9095
DIRECT DIAL 202 457-7451

RECEIVED

JUL - 9 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DOCKET FILE COPY ORIGINAL

July 9, 1997

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Mail Stop Code 1170
Washington, D.C. 20544

RE: Ex Parte Presentation
ET Docket 93-62
RF Evaluation Criteria

Dear Mr. Caton:

Pursuant to the requirements of Sections 1.1200 et seq. of the Commission's Rules, you are hereby notified that on behalf of AT&T Wireless Services, Inc., Sara Seidman of the law firm of Mintz, Levin, Glovsky, Ferris & Popeo, P.C. and I met today with Jackie Chorney of the Wireless Telecommunications Bureau regarding the above-referenced docket. The attached handout summarizes the issues that we discussed at the meeting.

Should there be any questions regarding this matter, please contact the undersigned.

Sincerely,

Cathleen Massey by KGP

Cathleen A. Massey

cc: Jackie Chorney

No. of Copies rec'd 0+1
List ABCDE

Recycled Paper

AT&T Wireless Services, Inc. – 7/08/97 Ex parte Presentation in ET Doc. 93-62

The FCC should clarify the applicability of the FCC RF Evaluation Guidelines issued on August 1, 1996 to transmitting facilities which were licensed prior to September 1, 1997, the effective date of the rules. This issue is addressed in paragraph 119 of the Report and Order, but further clarification appears necessary. As requested in its September 6, 1996 Petition for Reconsideration, AT&T Wireless Services, Inc. recommends the following clarification:

> Licensees are expected to comply with the MPE limits and RF evaluation criteria in effect at the time that the transmitting facilities are licensed and authorized, and to continue to operate in compliance with those limits until an application for license renewal or modification requires Commission reauthorization of such transmitting facilities, at which time the MPE limits and RF evaluation criteria in effect at the time of such re-authorization shall apply.

This clarification is appropriate because, over time, the MPE limits and RF evaluation criteria contained in the Commission's rules have changed and will continue to change in response to new data or public policy decisions. The Commission notes in paragraph 4 of the Report and Order, that research and analysis relating to RF safety and health is ongoing, and that the Commission expects changes in recommended exposure limits will occur in the future as knowledge increases in the field. This clarification also is supported by the Commission's statement in paragraph 112 "that the new RF guidelines will apply to station applications filed after January 1, 1997" (emphasis added). The clarification will make clear that the Commission's adoption of new rules and evaluation criteria does not imply that the previous rules were inadequate to protect public health, worker safety or the environment. In fact, we expect most personal wireless antenna facilities to be unaffected by the change in MPE limits because of the low operating powers of such facilities.

Under the clarification proposed above, as licenses for transmitting facilities are modified or renewed, they will become subject to the RF radiation rules in effect at the time of such application and must certify compliance as part of the application process. This process provides for an orderly transition to the new rules without unduly impacting the operations of existing transmitting facilities that are an integral part of an operating communications infrastructure.