



CTIA

Building The Wireless Future™
Cellular Telecommunications & Internet Association

November 1, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

Re: Ex Parte Presentation
CC Docket No. 01-14

Dear Ms. Salas:

On November 1, 2001, the Cellular Telecommunications & Internet Association ("CTIA"), represented by Diane Cornell, Vice President for Regulatory Policy, along with Brian Fontes of Cingular Wireless and Doug Brandon of AT&T Wireless Services, met with Commissioner Martin and his wireless advisor, Monica Desai, to discuss issues relating to the parties' view that the spectrum cap should be eliminated immediately.

In particular, the parties argued that the spectrum cap, a separate rule targeted uniquely at the wireless industry, is no longer necessary. Transactions in the wireless industry should be subject to the same standard of review as other Title II services. To the extent the Federal Communications Commission ("FCC") develops internal processing guidelines for evaluating wireless transactions, it should look to the same criteria used by the Department of Justice ("DOJ") in its antitrust analysis -- the Merger Guidelines, and rely on the kind of information and methodologies utilized by DOJ in conducting its competition analyses. This approach will enhance predictability, conserve FCC resources, and assist the Commission in focusing resources on other issues that are within the FCC's public interest jurisdiction, such as licensee qualifications.

The parties noted that internal processing guidelines need not be developed as formal rules in a rulemaking process. Further, the Commission should provide sufficient flexibility for addressing transactions that may be filed while any internal processing guidelines are being considered.



Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter is being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Diane J. Cornell

Diane J. Cornell

cc: Commissioner Kevin J. Martin
Monica Desai

