



*The Telecommunications and Information  
Technology Association for Utilities, Pipelines,  
And Other Critical Infrastructure Companies*

November 5, 2001

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., Room TW A-325  
Washington, DC 20554

**Re: Notice of Oral Ex Parte Communication  
Implementation of Sections 309(j) and 337 of the Communications Act of  
1934, as Amended  
(WT Docket No. 99-87)**

Dear Ms. Salas:

This is to provide notice that, on November 2, 2001, the United Telecom Council (UTC) met with personnel from the Wireless Telecommunications Bureau and the Office of Engineering and Technology, including WTB Deputy Chief Kathleen Ham and OET Deputy Chief Julius Knapp. The primary purpose of the meeting was to discuss the upcoming release of the results of a study of critical infrastructure spectrum use, now underway by the National Telecommunications and Information Administration (NTIA). UTC and the Critical Infrastructure Communication Coalition (CICC) have participated in the study, and look forward to working with the Commission in responding to NTIA's final recommendations.

In discussions during the meeting, UTC repeated its belief that Congress changed permanently the definition of "public safety radio services" when it included critical infrastructure systems such as those used by utilities and pipelines. The Commission implemented the enlarged definition in its *Report and Order* in the above-referenced proceeding, released in November 2000.\*

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\* Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as Amended, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 99-87, FCC 00-403, released November 20, 2000.

UTC urged the WTB to include those entities encompassed by the new definition in the eligibility rules for any new allocation of spectrum to public safety services. This position is included in UTC's Petition for Clarification and Reconsideration, filed February 1, 2001.

This Notice is being filed pursuant to Section 1.1206 of the Commission's Rules and Regulations, 47 C.F.R. § 1.1206. If there are any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_

Pace Duckenfield  
Associate Counsel

Cc: Kathleen O'Brien Ham, Deputy Chief  
Julius Knapp, Deputy Chief