



April 18, 2001

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St. S.W.
12th Street Lobby, Room TW-A325
Washington, DC 20554

Re: Ex Parte Presentation
WT Docket No. 99-168

Dear Ms. Dortch:

On behalf of Motorola, Inc., you are hereby notified that on April 16, 2002, Dr. Richard Barth met with Peter Tenhula, senior legal advisor to Chairman Powell and discussed Motorola's letter filed April 9th and the attached document summarizing arguments supporting delay of the 700 MHz auction.

In accordance with Section 1.49(f)(1) of the Commission's Rules, one electronic copy of this letter is being submitted via the Commission's Electronic Comment Filing System for inclusion in the record in the above-captioned proceeding.

Respectfully submitted,

/s/
Steve B. Sharkey
Director, Spectrum and Standards Strategy

Attachment

Cc: Peter Tenhula



April 15, 2002

700 MHz Auction

- *The Commission should favor its mandate to provide sound spectrum management and should postpone auction of licenses in the 698-746, 747-762 and 777-792 MHz.*
- *Voluntary TV clearing mechanisms don't provide certainty regarding availability of spectrum.*
 - Level of participation in voluntary mechanism is unclear
 - Voluntary clearing gives incumbents ability to hold new entrants hostage
 - DTV transition is lagging
- *The situation is changing*
 - The Administration has proposed legislation that would provide more time to auction licenses and would provide date certain for availability.
 - Congress is likely to introduce legislation
- *The Chairman's initiative calling for voluntary efforts to speed DTV transition is important, but more time is required to judge the impact that this will have in reaching 85 percent DTV penetration.*
 - Motorola just announced availability of a new full function HDTV set top box
- *Auctioning spectrum under uncertain conditions creates uncertainty in the market and drives away investment.*
- *This spectrum could play a role in two significant proceedings:*
 - Advanced services
 - Improving Public Safety communications*The Commission should not miss this opportunity to resolve these issues in a comprehensive manner.*
- *The Commission should not rush to auction spectrum to meet an arbitrary date, but should ensure that this spectrum is made available with the certainty that will allow it to be put to its best and highest use.*