

RURAL TELECOMMUNICATIONS GROUP

advocate of rural wireless telecommunications providers

*1000 Vermont Avenue, NW, 10th Floor
Washington, DC 20005*

May 9, 2002

Chairman Michael K. Powell
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Auction of 700 MHz Spectrum, Auctions No. 31 and 44, WT Docket No. 99-168 and GN Docket No. 01-74*

Dear Chairman Powell:

The Rural Telecommunications Group (“RTG”) respectfully requests that the referenced auction of licenses in the 700 MHz band be held as planned beginning on June 19, 2002. The May 8, 2002 deadline to file FCC Form 175 in order to participate in the auction has passed and the participants have staked their claim. There has been no change in the law and it does not appear that a change is imminent.

A bill ordering a delay passed the House and was introduced in the Senate. Yesterday, however, Senator Stevens, a senior member of both the authorizing and appropriations committees, introduced S. 2481, reiterating the September 30, 2002 deposit deadline and directing the Commission to proceed with the 700 MHz auctions without further delay. The law is clear that you must continue to proceed until a statute is enacted that overrides current law.

The competing bills introduced in the Senate have the Senate deadlocked. Compromise is unlikely in the time that the statutory deadline must be met by the Commission. If the Commission were to take its action on the basis of conflicting bills, the intent of Congress reflected in enacted legislation could easily and repeatedly be contravened, and the work of the agency and this administration would become meaningless. Folding to pressure from Congress on this matter sends a terrible message and sets a dangerous precedent. It is not the way the separation of powers is supposed to work in our country. The law is the law and the law must be upheld by this Commission.

Sincerely,

/s/

Caressa D. Bennet, General Counsel
Kenneth C. Johnson, Director –
Legislative and Regulatory
Rural Telecommunications Group

cc: The Honorable Kathleen Q. Abernathy
The Honorable Michael J. Copps
The Honorable Kevin J. Martin
Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau
Secretary of the Federal Communications Commission