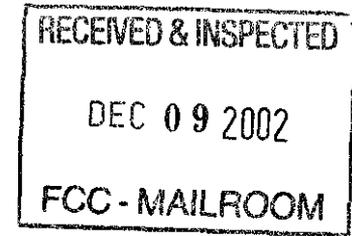




ORIGINAL

CITY OF BOSTON
LAW DEPARTMENT

City Hall, Room 615
Boston, MA 02201



THOMAS M. MENINO
Mayor

EX PARTE OR LATE FILED

MERITA A. HOPKINS
Corporation Counsel

November 27, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *Ex Parte* Submission in: CC Docket No. 02-55; CC Docket No. 01-338; CC Docket No. 02-52; GN Docket No. 00-185, CC Docket No. 96-98 and WT Docket No. 99-217, and CC Docket 98-146

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the Commission's Local and State Government Advisory Committee (hereafter, the "LSGAC") submits this notice of *ex parte* submission in the above-entitled proceedings on behalf of itself and the other local and state governmental entities listed in Attachment I.

On November 15, 2002, the individuals listed in Attachment I, representing the local and state governmental entities and organizations indicated, met at various times between the hours of 12:00 p.m. and 4:15 p.m. with Peter Tenhula (Co-Director of the Spectrum Policy Task Force), Greg Cooke (Deputy Chief, Competition Policy Division of the Wireline Competition Bureau), Michael Wilhelm (Legal Advisor, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau) and Bill Maher (Chief of the Wireline Competition Bureau).

A copy of the agenda for the LSGAC's November 15, 2002, meeting is included herein as 'Attachment 11.'

Co-Director Tenhula briefed the LSGAC on the scope and recommendations of the Spectrum Policy Task Force's November, 2002, Report, and provided copies of that Report to the LSGAC. Co-Director Tenhula fielded questions concerning the Report's contents regarding interference affecting public safety usage. He also briefed the LSGAC concerning the likelihood that notices of inquiry will be issued once interested parties have had an opportunity to review the report, and solicited input from the

LSGAC (and any interested party) once the report has been reviewed.

Deputy Chief Cooke discussed with the LSGAC constituent concerns regarding directory assistance and database accuracy, outlining the history of database compilation and the issues affecting database accuracy arising from industry competition. He indicated that the Commission has difficulty determining how many complaints regarding database accuracy are fielded by local and state governments, and that the Commission would welcome that information in the future. He indicated as well that a Notice of Proposed Rulemaking may be forthcoming as to whether competition in retail directory assistance is an area requiring the Commission's attention.

Mr. Wilhelm discussed with the LSGAC the status of the 800 MHz Public Safety Proceeding. He outlined the schedule for comments and called to the LSGAC's attention the so-called "Consensus Plan," proposing revisions to the 700 MHz, 800 MHz and 1900 Mhz bands. He described the contents of the consensus plan, and noted that the Wireless Telecommunications Bureau issued a notice seeking comment. He indicated that the schedule for comments had been extended due to the expectation that additional information regarding funding of the plan and the potential impact upon the plan of agreements in place between the United States, Canada, and Mexico was expected prior to the Thanksgiving holiday from the parties who made the proposal.

Chief Maher's appearance before the Committee was his first appearance since assuming his current duties, and Chief Maher and LSGAC members and staff therefore offered introductions to one another. The LSGAC asked Chief Maher to consider designating someone among his staff to alert the LSGAC to matters which arise which may affect local and state government, and concerning which LSGAC input might be of value to the Commission.

Chief Maher also listed in broad outline the four major ongoing proceedings in the Bureau as : (1) the classification of broadband access as a telecom or information service (Chief Maher stated that there may be a ruling in the winter); The Triennial Unbundled Network Elements (UNE) review (Chief Maher indicated that the D.C. Circuit had overturned the prior unbundling regime, and that a ruling may be forthcoming during the winter); the ongoing applications by Bell Operating Companies pursuant to Section 271; and, the Bureau's ongoing interest in universal service and extending internet connectivity (Chief Maher stated that methodologies for carriers' contributions to this effort were being reviewed).

Finally FCC staff listed in 'Attachment I' were present as the LSGAC met with representatives of the Industry Rights of Way Working Group (hereafter 'IROWWG') listed in 'Attachment III' between the hours of 10:00 a.m. and 12:00 p.m. The LSGAC discussed with the IROWWG draft language for a proposed joint statement describing areas of agreement concerning local government management of rights of way.

Thank you for your attention to this matter. Please direct any questions regarding this ex parte submission to the undersigned.

Respectfully submitted,



Merita A. Hopkins
Corporation Counsel
James M. Chernetsky
Assistant Corporation Counsel
for Thomas M. Menino
Mayor, City of Boston
City Hall
Boston, MA 02201
(617) 635-4034

On *Behalf of* the Local and State Government Advisory Committee

Attachment I

Local and State Government Advisory Committee and Staff

Government/Organization

Representative

Arvada, Colorado, LSGAC Chair
Montgomery County, MD, LSGAC Vice Chair
Montgomery County, MD
Montgomery County, MD

Ken Fellman
Marilyn Praisner
Jane Lawton
Sonya Healy

NATO
Boston, Massachusetts
Boston, Massachusetts
Jefferson County, Kentucky
Plano, Texas
Eugene, Oregon
Miller & Van Eaton, P.L.L.C.
Miller & Van Eaton, P.L.L.C.
Dearborn, Michigan
National League of Cities
National League of Cities
Little Rock, AR
MI Public Service Commission
Hennepin County, MN
NACO
NTIA
NTIA

Libby Beaty
Merita Hopkins
James M. Chernetzky
Darryl Owens
Steve Stovall
Nancy Nathanson
Gerry Lederer
Nick Miller
Bill Irving
Juan Otero
Doug Peterson
Jim Dailey
David Svanda
Randy Johnson
Robert Fogel
David Cavanaugh
Maureen Lewis

FCC
FCC
FCC
FCC
FCC

Kris Monteith
Carmen L. Scanlon
Leon Jackler
Jane Phillips
Kathryn Tofigh

ATTACHMENT II**FCC LOCAL AND STATE GOVERNMENT ADVISORY COMMITTEE****MEETING AGENDA**

Friday, November 15, 2002

LOCATION: FCC Offices, The Portals, 445 12th Street S.W.
Commission Meeting Room (12th Street entrance level)

8:30 a.m. Greetings & Introductions.

9:00 am. - 10:00 am. LSGAC and its Staff discussion and preparation for meeting with Industry Rights of Way Working Group (LSGAC and its Staff only).

1000 a.m. - noon Meeting with IROWWG (LSGAC, its Staff, FCC Staff and invited guests only)..

Noon - 1:30 p.m. Working lunch -- FCC and LSGAC discussion of various issues (LSGAC, its Staff and FCC Staff only).

- Presentation to Emily Hoffnar and introduction of Jane Phillips
- Follow up with Media Bureau and OCG Bureau on letter--
promised by Ken Ferree to clarify public statements made on March 15 regarding cable modem revenues and franchise fees
- Peter Tenhula presentation on FCC's Spectrum Policy Task Force (invited)

1:30 p.m. - 2:00 p.m. **TENTATIVE:** LSGAC discussion with Chairman Powell and/or FCC staff regarding LSGAC functions, operations, procedures, etc. (LSGAC, its Staff and FCC only).

2:00 p.m. - 2:30 p.m. LSGAC discussion with Bill Maher, Chief of Wireline Competition Bureau (Invited - not yet confirmed) (LSGAC, its Staff and FCC Staff only).

2:30 p.m. - 3:30 p.m. LSGAC discussion of advisory recommendations in cable modem, UNE-P and DSL proceedings (LSGAC and its Staff only).

3:30 p.m. - 3:45 p.m. Break

3:45 p.m. - 4:30 p.m. LSGAC discussion of follow-up to ROW meetings and ROW Forum (LSGAC and its Staff only).

4:30 p.m. - 4:45 p.m. Upcoming meeting schedule/Other issues.

4:45 p.m. Adjourn.

Attachment III

Industry Right of Way Working Group

T. Scott Thompson
David Mielke
Kevin Gallagher
Karen Johnson
C. Loyall Meade
Dorian Denburg (by telephone)
Kelsi Reaves (by telephone)
Frank Simone

Cole, Raywid & Braverman
Verizon
WorldCom
MCI WorldCom
Level 3 Communications
Bell South
Time Warner Telecom
AT&T