

March 25, 2003

**FILED ELECTRONICALLY**

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: WT Docket No. 02-381  
CC Docket No. 94-102  
CC Docket No. 95-116**

**EX PARTE NOTICE**

Dear Ms. Dortch:

On March 24, 2003, Jill Canfield and Richard Schadelbauer of the National Telecommunications Cooperative Association (“NTCA”), John Prendergast of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, Michael Kurtis of Kurtis & Associates, P.C. representing the Tier III Coalition, Jeffrey Smith of the Organization for the Promotion and Advancement of Small Telecommunications Companies (“OPASTCO”), and Carri Bennet and Kenneth Johnson of the Rural Telecommunications Group (“RTG”), met with Paul Margie, Spectrum and International Legal Advisor to Federal Communications Commission (“FCC” or “Commission”) Commissioner Copps. Also representing RTG by telephone conference call were Sean Farrell of NTCH and Jerry Wilke of HickoryTech.

In the “rural” wireless Notice of Inquiry proceeding (WT Docket No. 02-381), the group informed Mr. Margie of its serious doubts about the efficacy of the Commission’s partitioning and disaggregation mechanism as a tool for delivering spectrum to rural-based wireless carriers. The group promoted the use of small geographic license areas such as Metropolitan Statistical Areas (“MSAs”) or Rural Service Areas (“RSAs”) in order to allow rural-based carriers to access spectrum in the primary auction-based market. In addition, the group supported the use of stricter buildout requirements to encourage the provision of spectrum-based services in rural areas. The group noted that the Commission should examine the comments and reply comments filed in the Notice of Inquiry and issue a Notice of Proposed Rulemaking as soon as possible.

In the Enhanced 911 (“E911”) proceeding (CC Docket No. 94-102), the group discussed the need for an equitable accuracy standard for rural-based wireless carriers. The group noted how large, nationwide carriers may average their accuracy results in rural areas with the vast majority of their E911 calls which are received in urban areas in order to meet the FCC’s E911 location accuracy standards. In essence, nationwide carriers are able to provide limited accuracy in their rural regions and still meet the

FCC's accuracy standards. In sharp contrast, rural wireless carriers must essentially provide a higher accuracy standard in their mainly rural service areas. The group urged that the Commission should consider forbearing from enforcement of its E911 accuracy standard where a carrier employs the industry standard Time Difference of Arrival ("TDOA") technology on all of its cell sites which provide service to or could add to the level of accuracy achieved within its coverage area serving a requesting PSAP.

With regards to the number portability petition proceeding (CC Docket No. 95-116), the group said that it opposed wireless local number portability where the requesting carrier has no local presence (*i.e.*, a rate center). Porting between rate centers constitutes geographic porting which the Commission has not mandated.

If you have any questions regarding this *Ex Parte* filing, please communicate directly with the undersigned.

Respectfully submitted,

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/s/

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cc: Paul Margie, Spectrum and International Legal Advisor to Commissioner Copps