

December 5, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands – WT Docket No. 03-66 --*
NOTICE OF EX PARTE PRESENTATION

Dear Ms. Dortch:

Yesterday, Todd D. Gray, counsel for the National ITFS Association (“NIA”), Edwin N. Lavergne, counsel to the Catholic Television Network (“CTN”), and the undersigned, counsel to the Wireless Communications Association International, Inc. (“WCA”), met with John Schauble, Genevieve Ross, Stephen Zak, Gregory Vadas, Henry Allen, William Huber, Erik Salovaara and Ronald Netro (via telephone) of the Wireless Telecommunications Bureau regarding the positions of WCA, NIA and CTN on the *Notice of Proposed Rulemaking (“NPRM”)* in the referenced proceeding.

The participants discussed the proposal advanced by WCA, CTN and NIA for transitioning from the current bandplan to a new bandplan that they have proposed. WCA, CTN and NIA stressed the importance of funding the transition for ITFS licensees and avoiding unnecessary delay. In response to staff questions, WCA, NIA and CTN noted that there was no public interest reason to require transition by any date certain, since marketplace forces will lead to rapid transitions wherever low-power cellular operations are deemed by any local licensee to be the highest and best use of the band. The substance of their positions is reflected in the comments and reply comments submitted by WCA, NIA and CTN in response to the *NPRM*.

The staff inquired as to whether it would be possible to shrink the size of the Mid-Band Segment on a market-by-market basis or to relocate all video operations to other spectrum. WCA, NIA and CTN reiterated the arguments they had previously made in their formal filings

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regarding the need for consistency in the size of the MBS across the nation and noted that they were unaware of any alternative spectrum to which high-power operations could be relocated.

Revised build-out requirements for MDS and ITFS were also discussed. WCA, NIA and CTN emphasized the importance of providing licensees ample time to complete construction of facilities following transition to the new bandplan, and urged the Commission to grant the first renewal following transition where substantial service occurred at any time during the current license term. In addition, they addressed the need of system operators to preserve some unused spectrum for future growth and for guardbands. The parties also discussed the possibility of interim performance benchmarks.

The participants in the meeting also discussed the potential for streamlining the proposed licensing system for the Mid-Band Segment to move towards either a notice system or a system under which electronically filed applications would be automatically granted if not opposed within 30 days of appearing on public notice. Although WCA, NIA and CTN took no position on these concepts, they did agree to explore their viability further.

WCA, NIA and CTN also discussed the importance of preserving the entire ITFS allocation in the band and the substantial benefits that are being realized in rural areas as wireless broadband service providers deploy two-way systems using ITFS spectrum.

The discussion also touched upon a variety of other issues raised in the *NPRM*. The remarks by WCA, NIA and CTN on such issues were consistent with the positions they have espoused in its comments and reply comments in response to the *NPRM*.

Should you have any questions regarding this summary, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Counsel to the Wireless Communications
Association International, Inc.

Attachments

cc (via email): John Schauble
Genevieve Ross

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Stephen Zak
Gregory Vadas
Henry Allen
William Huber
Ronald Netro
Erik Salovaara