

March 2, 2004

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

Re: *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services To Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems - ET Docket No. 00-258*

*Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands - IB Docket No. 02-364*

*NOTICE OF ORAL EX PARTE COMMUNICATION*

Dear Ms. Dortch:

Yesterday, Karen B. Possner of BellSouth Corp., Luisa Lancetti of Sprint Corp. and the undersigned, representing the Wireless Communications Association International, Inc. ("WCA"), met with John Muleta, Chief of the Wireless Telecommunications Bureau, Catherine W. Seidel, David Furth, Uzoma C. Onyeije and Thomas Stanley of the Bureau and Joel Taubenblatt, Chief of the Bureau's Broadband Division, to discuss the proposals pending in the above-referenced proceedings for relocating Multipoint Distribution Service ("MDS") licensees from the 2150-2162 MHz band as part of the Commission's effort to free spectrum for Advanced Wireless Services ("AWS").

The Commission was reminded that it has been more than three years since the Commission first proposed relocating MDS from the 2150-2162 MHz band and more than a year since the Commission decided to effectuate that relocation without having identified appropriate spectrum to which MDS licensees can be moved. It was emphasized that the resulting regulatory uncertainty adversely impacts the ability of licensees to develop firm business plans for the use of the channels. The participants in the meeting discussed the possibility of reallocating spectrum in the 1910-1920/1990-2000 MHz bands, the 3650-3700 MHz band, or the 2490-2500 MHz band to accommodate MDS relocation. The interference-based objections to a reallocation

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of 2490-2500 MHz that WCA has previously addressed in its July 25, 2003 Reply Comments in IB Docket No. 02-364 were reiterated. In addition, concerns regarding the size and location of preclusion zones in the 3650-3700 MHz band to protect grandfathered operations and equipment availability were raised.

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

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

cc: John Muleta  
Catherine W. Seidel  
David Furth  
Uzoma C. Onyeije  
Thomas Stanley  
Joel Taubenblatt