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March 19, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

**Re: Notice of Oral *Ex Parte* Communication,
WT Docket No. 02-353**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of an oral *ex parte* presentation in connection with the above-captioned proceedings. On Thursday, March 18, 2004, representatives of the Rural Cellular Association ("RCA") met with the following individuals to discuss the bandplan for licensing of 90 MHz of spectrum for Advanced Wireless Services (3G):

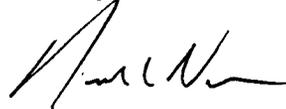
Kathleen Q. Abernathy, Commissioner
Matthew Brill, Senior Legal Advisor to Commissioner Kathleen Q. Abernathy
Daniel Gonzalez, Senior Legal Advisor to Commissioner Kevin J. Martin
Jennifer Manner, Senior Counsel to Commissioner Kathleen Q. Abernathy
Kevin J. Martin, Commissioner
Jessica Rosenworcel, Legal Advisor to Commissioner Michael J. Copps
Sheryl J. Wilkerson, Legal Advisor to Chairman Michael K. Powell
Jason Williams, Special Assistant to Commissioner Kevin J. Martin

In addition to undersigned counsel, RCA representatives John McMillan, Tom Walsh, Art Prest and Tom Attar participated in the meeting on RCA's behalf.

RCA's representatives referred to the association's Petition for Reconsideration filed March 8, 2004, and discussed points noted on the attached summary sheet provided to attendees of the meetings.

Marlene H. Dortch
March 19, 2004
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Sincerely,

A handwritten signature in black ink, appearing to read "David L. Nace". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

David L. Nace
Counsel for Rural Cellular Association

cc: Kathleen Q. Abernathy, Commissioner
Matthew Brill, Senior Legal Advisor to Commissioner Kathleen Q. Abernathy
Daniel Gonzalez, Senior Legal Advisor to Commissioner Kevin J. Martin
Jennifer Manner, Senior Counsel to Commissioner Kathleen Q. Abernathy
Kevin J. Martin, Commissioner
Jessica Rosenworcel, Legal Advisor to Commissioner Michael J. Copps
Sheryl J. Wilkerson, Legal Advisor to Chairman Michael K. Powell
Jason Williams, Special Assistant to Commissioner Kevin J. Martin

**FCC PLAN TO AUCTION 90 MHz AT 1.7 – 2.1 GHz FOR
ADVANCED WIRELESS SERVICES (3G)
(WT Docket No. 02-353)**

RCA filed a Petition for Reconsideration March 8, 2004:

- The bandplan adopted by the Commission offers 80% of the licenses and 89% of the spectrum in large geographic areas that only the nation's largest wireless carriers have the resources to purchase
- One license for MSA/RSA areas is not enough. Four licenses for larger areas is far too many. [Note: this version corrects prior version indicating "Five" licenses are planned for larger areas.]
- The single license for MSA/RSA markets has only 10 MHz of spectrum. RCA's petition shows that even the Commission, in explaining its bandplan, observed that 10 MHz is not suitable for the "...broader range of broadband services, including Internet access at faster speeds...[or to] accommodate future, higher data rates...[that will] provide operators with additional capacity, and importantly, with greater flexibility."
- RCA filed comments at an earlier stage in the proceeding that were recognized repeatedly in the order that adopted the bandplan. RCA's comments and its Petition for Reconsideration stress the importance of smaller geographic areas, and sufficient spectrum, to allow the smaller companies who have an interest in serving rural and small markets to have a reasonable opportunity to compete for licenses in the auction
- If the FCC does not change the bandplan now, the effect is to condemn rural areas to an indefinitely long period of inferior wireless services. Large companies that purchase large regional service areas do not have incentives to devote resources to the rural and small markets within their license areas.
- Large and small companies can compete for MSA/RSA licenses. Those licenses should be offered in a variety of spectrum configurations to allow bidders to purchase what they need, both in terms of spectrum and combinations of MSAs and RSAs.