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Duane Morris

FIRM and AFFILIATE OFFICES

WILLIAM K KEANE
DIRECT DIAL 202 776 5243

www.duanemorris.com

March 30, 2004

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

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Re: **Notice of Ex Parte
Presentation
WT Docket No. 02-55**

Dear Ms. Dortch:

This is to advise that on March 29, Marvin W. McKinley, President, MRFAC, Inc.; Frank C. Weaver, Director, Telecommunication Policy, The Boeing Company; Lawrence A. Fineran, Vice President, National Association of Manufacturers; and the undersigned, representing the National Association of Manufacturers and MRFAC, Inc., met with Samuel L. Feder, Legal Advisor to Commissioner Martin, regarding the above-referenced proceeding. The focus of the meeting was on protections for incumbent licensees. A summary of points discussed is attached along with a copy of an NAM publication dealing with structural costs imposed on U.S. manufacturers, which publication was mentioned during the course of the meeting. In addition, the parties discussed the NAM/MRFAC filing of March 24.

An original and one copy of the letter are submitted for inclusion in the Docket.

Sincerely,


William K. Keane

Attachment

cc: Commissioner Kevin J. Martin
Samuel L. Feder

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DUANE MORRIS LLP

1667 K STREET, N W , SUITE 700 WASHINGTON, D C 20006-1608

PHONE 202 776 7800 FAX 202 776 7801

Due Process and Re-Banding

Protections for incumbent licensees should be based closely on existing Rule 90.699 with minimal adjustments to accommodate NPSPAC block relocation. For example:

- The Commission should administer any re-banding process with support, as appropriate, from a disinterested contractor not aligned with any party to this proceeding
- Require mandatory negotiations with Nextel commencing on effective date of Report and Order with end dates keyed to relocation date for each Region
- Retain requirement that new facilities be comparable to replaced facilities
- Condition availability of new spectrum assignments on Nextel completing relocations
- Retain the existing Rule's provision for involuntary relocation in the absence of agreement
- Require resort to alternative dispute resolution on expedited basis in the event of disagreements over comparability and/or reimbursement
- Create expedited process for Commission review of any unresolved disputes/waiver requests
- Five years' operating costs per current Rule 90.699

DOCKET NO. 02-55

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- o This document is confidential (**NOT FOR PUBLIC INSPECTION**)

- o An oversize page or document (such as a map) which was too large to be scanned into the ECFS system.

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One Pamphlet