



FIRM and AFFILIATE OFFICES

NEW YORK  
LONDON  
CHICAGO  
HOUSTON  
PHILADELPHIA  
SAN DIEGO  
SAN FRANCISCO  
DETROIT  
BOSTON  
WASHINGTON, DC  
ATLANTA  
MIAMI  
PITTSBURGH  
NEWARK  
ALLENTOWN  
WILMINGTON  
CHERRY HILL  
HARRISBURG  
BANGOR  
PRINCETON  
PALM BEACH  
WESTCHESTER

WILLIAM K. KEANE  
DIRECT DIAL: 202.776.5243

[www.duanemorris.com](http://www.duanemorris.com)

April 19, 2004

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

**Re: Ex Parte Filing  
ET Docket No. 00-258  
and WT Docket No. 02-8**

Dear Ms. Dortch:

This is to advise that on April 16, 2004, the undersigned representing Aerospace and Flight Test Radio Coordinating Council ("AFTRCC"), and Christopher D. Imlay, representing the American Radio Relay League ("ARRL"), had a telephone conversation with Rodney Small regarding the above-captioned proceedings.

In the Notice of Proposed Rulemaking, the parties noticed that the agency had proposed a co-primary allocation for Amateurs and Government/Non-Government flight testing in the band 2390-2395 MHz.

During the conversation, it was further noted that AFTRCC and ARRL have taken different positions in this proceeding regarding the merits of this proposal.

The parties advised that, in an effort to compose their differences, ARRL and AFTRCC have conducted discussions concerning a possible agreement under which the co-primary allocation proposal supported by both parties. If an agreement proves possible, both the parties and the Commission would stand to benefit inasmuch as private and public resources would not need to be spent in further litigation.

The parties will be able to determine whether an agreement is possible soon, but given the need to secure approval within their own respective constituencies, the process may take a few more weeks.

Marlene S. Dortch  
April 19, 2004  
Page 2

The parties urged the Commission to take this report into consideration as it looks to finalize a report and order in this Docket, and allow more time for possible conclusion of an agreement.

This filing is submitted for inclusion in the two Dockets.

Respectfully submitted,



William K. Keane

cc: Rodney Small