

June 3, 2004

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*

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 EX PARTE PRESENTATION

Dear Ms. Dortch:

Yesterday, the undersigned, representing the Wireless Communications Association International, Inc. ("WCA"), met with Commission Chief of Staff Bryan Tramont to discuss issues before the Commission in the referenced proceedings.

I expressed strong opposition to the adoption of any bandplan in WT Docket No. 03-66 that would create new Multipoint Distribution Service ("MDS") channels to be auctioned by stripping spectrum from existing licensees, many of whom purchased that spectrum at auction. However, I also expressed WCA's willingness to explore possible bandplans that would incorporate MDS channels 1 and 2, provided that the 2494-2500 MHz band were reallocated and the Commission's technical and operational rules allowed those channels to be used in a full and effective manner and further provided that accommodations were made for multichannel video programming distributors that opt-out of the transition to the new bandplan. Expanding on the latter point, I specified that if the bandplan is extended and any MDS or Instructional Television Fixed Service ("ITFS") channel is placed adjacent to the Mobile Satellite Service ("MSS"), the Commission must provide for the same 2 MHz separation between the MSS Ancillary Terrestrial Component ("ATC") that currently exists, must continue to require that ATC operations meet the requirements imposed under Section 25.255 of the Rules, and must impose on the closest

Marlene H. Dortch
June 3, 2004
Page 2

MDS/ITFS licensee no restrictions relative to MSS/ATC more restrictive than those under the current rules.

I also noted WCA's support for the positions taken by WATCH TV Company in a recent ex parte filing concerning the relocation of MDS channels 1 and 2 in markets that have not transitioned to the new bandplan. I emphasized the importance of reallocating enough MSS spectrum that Advanced Wireless Service ("AWS") E Block auction winners will have sufficient usable MDS replacement spectrum at their disposal to provide for the migration of MDS from the 2.1 GHz band to the channel immediately below 2500 MHz. I noted that in order to achieve migration without imposing overly-burdensome costs on AWS auction winners, a minimum of 5 MHz, and ideally the 6 MHz proposed by WATCH TV Company, in spectrum below 2500 MHz must be made available for MDS relocation. The reallocation of less spectrum from MSS will delay, if not preclude, the relocation of MDS and the freeing of AWS for 3G and other services.

Pursuant to Section 1.1206(b)(2), this notice is being filed electronically with the Office of the Secretary for inclusion in the public record of the above-reference proceedings. 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.

cc: Bryan Tramont