

June 10, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

Re: *Ex Parte Presentation*
WT Docket Nos. 02-381, 01-14, 03-202

Dear Ms. Dortch:

On Thursday, June 3, 2004, Diane Cornell, Vice President, Regulatory Policy, CTIA, Paul Garnett, Director, Regulatory Policy, CTIA, Jared Carlson, Regulatory Counsel, Nextel, Mark Racek, Director, Spectrum Policy, Ericsson, Peter Connolly, representing US Cellular, Rob Kubik, Manager, Spectrum and Regulatory Policy, Motorola, Roger Sherman, Senior Attorney, Sprint, and Michael Lynch, Senior Manager, Spectrum Regulation, Nortel Networks, met with representatives from the Wireless Telecommunications Bureau, including John Muleta, Chief, Shellie Blakeney, Legal Advisor, Michael Rowan, of the Spectrum & Competition Policy Division, and Linda Chang, of the Mobility Division, to discuss issues related to facilitating the widespread deployment and access to wireless services in rural areas.¹ Among the issues discussed at the meeting was the Commission's proposal in the *Rural Wireless NPRM* to permit increased power levels in the context of mobile voice systems. In its comments, CTIA expressed support for increasing power levels in rural areas as long as potential interference and other concerns are responsibly addressed.²

At the June 3, 2004, meeting, the representatives from Ericsson, Motorola, and Nortel described technologies that allow increases in base station transmitter power levels without also requiring increased handset power levels. These innovative technologies address concerns that parties, including CTIA, previously had raised in comments filed in the *2002 Wireless Biennial Review* proceeding.³ In addition, on March 3, 2004, Nortel

¹ See Letter from Diane Cornell, CTIA, to Marlene Dortch, FCC, WT Docket Nos. 02-381, 01-14, 03-202 (filed June 4, 2004).

² See Comments of Cellular Telecommunications & Internet Association, *In the Matter of Facilitating Provision of Spectrum-Based Service to Rural Areas and Promoting Opportunities for Rural Telephone Companies to Provide Spectrum-Based Service*, WT Docket Nos. 02-381, 01-14, 03-202 (filed Dec. 29, 2003). However, CTIA now believes the FCC rules specified in Parts 24.236 and 24.238 provide adequate protection from potential interference that could result from increased power levels.

³ See Comments of Motorola, Inc., *In the Matter of Biennial Regulatory Review – Amendment of Part 1, 22, 34, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services*, WT Docket No. 03-264 (filed Apr. 23, 2004) (“Motorola Comments”); Comments of Qualcomm Incorporated, *In the*



Networks provided Commission staff an *ex parte* presentation on rural wireless boomer cells, which was submitted in WT Docket No. 03-202.⁴

Almost all parties who commented on the transmitter limit in the *2002 Wireless Biennial Review* proceeding support eliminating the 100 watt base station transmitter output power limit in section 24.232(a) of the Commission's rules.⁵ Also, parties generally agree that the Commission should increase base station Equivalent Isotropically Radiated Power (EIRP) limits for PCS licensees. Although parties differ to varying degrees on how the Commission should implement changes to base station EIRP limits, parties appear committed to trying to reach consensus on this issue.⁶ CTIA respectfully requests that the Commission incorporate the comments and reply comments filed by these parties in the *2002 Wireless Biennial Review* proceeding, WT Docket No. 03-264, into the record in this proceeding.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Paul W. Garnett

Paul W. Garnett
Director, Regulatory Policy

cc: John Muleta
Shellie Blakeney
Michael Rowan
Linda Chang

Matter of Biennial Regulatory Review – Amendment of Part 1, 22, 34, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket No. 03-264 (filed Apr. 23, 2004) (“Qualcomm Comments”); Comments of Ericsson Inc., *In the Matter of Biennial Regulatory Review – Amendment of Part 1, 22, 34, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services*, WT Docket No. 03-264 (filed Apr. 23, 2004) (“Ericsson Comments”); Comments of Powerwave Technologies, Inc., *In the Matter of Biennial Regulatory Review – Amendment of Part 1, 22, 34, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services*, WT Docket No. 03-264 (filed Apr. 23, 2004) (“Powerwave Comments”); Comments of Cingular Wireless LLC, *In the Matter of Biennial Regulatory Review – Amendment of Part 1, 22, 34, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services*, WT Docket No. 03-264 (filed Apr. 23, 2004) (“Cingular Comments”).

⁴ See Letter from Raymond L. Strassburger, Nortel Networks, to Marlene H. Dortch, FCC, filed March 5, 2004.

⁵ See, e.g., Motorola Comments at 2; Qualcomm Comments at 3; Ericsson Comments at 1; Powerwave Comments at 2; *but see* Cingular Comments at 6 (“The Commission should amend Section 24.232(a) to clarify that the 100 watt output power limit applied on a “per carrier” basis when an MSPA is employed.”).

⁶ See, e.g., Reply Comments of Ericsson Inc., *In the Matter of Biennial Regulatory Review – Amendment of Part 1, 22, 34, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services*, WT Docket No. 03-264 (filed May 24, 2004).