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July 20, 2004

Ex Parte – Via Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: ET Docket No. 04-35

Dear Ms. Dortch:

On July 20, 2004, I met with Linda Kinney, Jeff Dygert, Sue Steiman, David Horowitz, Larry Schecker, and Dan Harrold of the Office of General Counsel on behalf of Nextel Communications. I pointed out that the Department of Homeland Security (DHS) has taken the position that outage reports contain critical infrastructure information that should not be publicly available and that, under 6 U.S.C. § 133, the straightforward way to accomplish that result would be to provide for voluntary submission to DHS. We also discussed whether, if the Commission were to mandate submission of outage reports, the reports would be exempt from disclosure under 5 U.S.C. § 552(b).

Sincerely,

/s/

Christopher J. Wright
Counsel to Nextel Communications