

July 22, 2004

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

**Re: *Ex Parte* Presentation
ET Docket 04-35**

Dear Ms. Dortch:

On Wednesday, July 21, 2004, Chris Guttman-McCabe, Assistant Vice President, Regulatory Policy and Homeland Security, Rick Kemper, Director of Security Systems, CTIA-The Wireless Association, along with Ben Almond and Ray Fannon, Cingular Wireless, Bob Calaff and Kevin Forshee, T-Mobile, Laura Holloway and Lee Fitzsimmons, Nextel Communications, John Quigley and Charles McKey, Sprint PCS, and Mike Samssock, Verizon Wireless, met with Ed Thomas, Chief, Office of Engineering and Technology, Jim Schlichting, Deputy Chief, Jeff Goldthorp, Chief of the Network Technology Division and Kent Nilsson, Deputy Chief, Network Technology Division to discuss the Commission's Outage Reporting NPRM.

The parties discussed concerns raised by the wireless industry in the record, including that the Commission's definition of an outage as "a significant degradation in the ability of a customer to establish and maintain a channel of communications as a result of failure or degradation in the performance of a carrier's network" is vague and would result in inconsistent, subjective reports being filed. Additionally, the use of "total call capacity of the affected MSC, multiplied by a concentration factor of 10," to measure potential user minutes impacted does not make sense in the mobile environment, and would significantly inflate and exaggerate the impact of outages, resulting in an unnecessary burden. The parties also discussed concerns about reporting on E-911 facilities beyond the control of licensees, as well as reporting on outages that impact airports, military bases, and nuclear plants, where wireless carriers have no dedicated access lines. Finally, the parties discussed their concern that having to file initial reports within two hours of a potential outage will take resources away from actually addressing the problem.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Christopher Guttman-McCabe

Christopher Guttman-McCabe

cc: Ed Thomas, Jim Schlichting, Jeff Goldthorp, Kent Nilsson