

July 26, 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 Friday, July 26, 2004, Diane Cornell, Vice President, Regulatory Policy, and Chris Guttman-McCabe, Assistant Vice President, Regulatory Policy and Homeland Security, CTIA-The Wireless Association, met with Bryan Tramont, Chief of Staff, Office of Chairman Michael Powell, to discuss the Commission's NPRM on Outage Reporting.

In particular, the parties discussed concerns raised by the wireless industry in the record, including that 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 their concern that having to file initial reports within two hours of a potential outage will take resources away from actually addressing the problem. Finally, CTIA noted that a significant benefit of a voluntary filing approach with the Department of Homeland Security is that the information would be protected under the Critical Infrastructure Information Act, and indicated that the Commission always has the flexibility to craft additional rules if it believed the voluntary mechanism is insufficient to meet its needs.

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: Bryan Tramont