

July 28, 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 Tuesday, July 27, 2004, Chris Guttman-McCabe, Assistant Vice President, Regulatory Policy and Homeland Security, CTIA-The Wireless Association™, along with Shannen Coffin, Partner, Steptoe & Johnson, LLP, Jim Bugel, Cingular Wireless, Harold Salters, T-Mobile USA, Jared Carlson, Nextel Communications and Charles McKee, Sprint PCS, met with Commissioner Kevin Martin and Sam Feder, Legal Advisor to the Commissioner, 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 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

Attachment

cc: Commissioner Kevin Martin  
Sam Feder