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July 29, 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 28, 2004, I spoke to Sam Feder in Commissioner Martin's office on behalf of Nextel Communications and provided him with copies of the comments of the Department of Homeland Security (DHS) in this proceeding. I noted that 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