



Brian F. Fontes, Ph.D. • Vice President, Federal Relations • phone 202.419.3010 • fax 202.419.3052

October 22, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: Ex Parte Presentation  
*AT&T Wireless Services, Inc. and Cingular Wireless Corporation*  
WT Docket No. 04-70, DA 04-932, File No. 0001656065 et al.

Dear Ms. Dortch:

In the above-captioned applications, Cingular committed to reduce its spectrum holdings to no more than 80 MHz in any BTA.<sup>1</sup> On October 15, 2004, the Wireless Telecommunications Bureau announced that Auction 58 will commence on January 26, 2005 and that short-form applications for participation in the auction are due November 30, 2004.<sup>2</sup> To avoid any confusion regarding the interplay of the divestiture commitment contained in the subject applications and the upcoming auction, Cingular hereby notifies the Commission that, if the applications are granted and the merger is consummated, the company will not apply to bid in the auction for any licenses in a BTA where Cingular controls or has a 10 percent or greater interest in 70 MHz or more of cellular and/or PCS spectrum.

If you have any questions concerning this notice, please let me know.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian F. Fontes" with a stylized flourish at the end.

Brian F. Fontes  
Vice President, Federal Relations

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<sup>1</sup> See Application at 19, n.82; Joint Opposition to Petitions to Deny and Comments, WT Docket No. 04-70, at 9 (May 13, 2004). In making this commitment, Cingular included spectrum held by any entity (with the exception of Cingular Interactive) it controls or in which it holds a 10 percent or greater equity interest. Cingular Interactive operates a separate, dedicated data network using less than 1.5 MHz of SMR spectrum. See *Cingular Wireless LLC; Request for Waiver of the CMRS Spectrum Aggregation Limits in Section 20.6(a) of the Commission's Rules*, 16 F.C.C.R. 17564 (2001).

<sup>2</sup> "Broadband PCS Spectrum Auction Start Date Rescheduled for January 26, 2005," DA 04-3270, *Public Notice* (rel. Oct. 15, 2004).