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November 16, 2004

**FILED ELECTRONICALLY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: WT Docket No. 03-103  
Notice of Ex Parte Presentation**

Dear Ms. Dortch:

The Boeing Company (“Boeing”), by its attorneys, hereby submits the attached white paper explaining why bidders in an auction for air-to-ground (“ATG”) frequencies in the 800 MHz band should be limited to acquiring a single license. The paper responds to questions from Commission staff on the appropriate structure for an ATG auction.

The record in this proceeding establishes that two broadband licensees can share the ATG frequencies in the 800 MHz band. Multiple providers will compete to provide the best services to airlines and their passengers at the most competitive prices. The resulting innovation and price rivalry will directly benefit the users of ATG services. These benefits will be negated, however, if a single entity is permitted to hold both licenses or is otherwise allowed to occupy the entire ATG band to the exclusion of a second licensee.

The Commission should therefore make available two nationwide ATG licenses in the 800 MHz band and should limit a single entity (including all affiliates) to bidding on only one of the ATG licenses. As the attached paper demonstrates, taking reasonable steps to avoid monopolization is the only course that conforms to the statutory directive to conduct auctions in a manner that “promot[es] economic opportunity and competition.” It is also consistent with past Commission recognition that reasonable limitations on the acquisition of licenses in an auction by incumbents and others is essential to ensure competition and prevent incumbents from extending their market dominance.

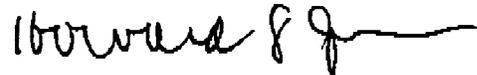
Ms. Marlene H. Dortch

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Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket. Copies are also being served electronically on the Commission personnel listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

cc: Bryan Tramont  
Sheryl Wilkerson  
Sam Feder  
Jennifer Manner  
Paul Margie  
Barry Ohlson  
John Muleta  
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