

December 6, 2004

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

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

Dear Ms. Dortch:

On Friday, December 3, 2004, Chris Guttman-McCabe, Assistant Vice President, Regulatory Policy and Homeland Security at CTIA – The Wireless Association™ (“CTIA”), spoke by phone with Sam Feder, Legal Advisor on Spectrum and International Issues to Commissioner Kevin Martin. The parties discussed the Air-to-Ground proceeding. Specifically, CTIA reiterated its concerns, initially raised via *ex parte* on October 20, 2004, regarding potential interference from air-to-ground operations at 849-851/894-896 MHz into cellular, SMR, public safety, and private wireless services. CTIA has just recently learned that the Commission may be considering an Ancillary Terrestrial Component (ATC) as part of the Air-to-Ground service. On the call with Mr. Feder, CTIA explained that its concerns regarding potential interference into existing operational services would be amplified if the Commission were to consider a terrestrial service in the Air-to-Ground band.

As the Commission is well aware, the 800 MHz band has been the subject of considerable debate regarding interference. The Air-Ground spectrum under consideration is adjacent to Cellular, NPSPAC, and SMR spectrum, which were the focus of a lengthy and complex proceeding to resolve interference to public safety licensees. After several years of analysis and debate regarding interference to this very band of spectrum, prudent policymaking dictates that the Commission act with caution, particularly with regard to the *creation* of a new terrestrial service in this band.

Adding an ATC may not make sense in this environment. As has been detailed in the record, the possibility for adjacent band interference exists, particularly with regard to operations close to the ground. Adding the additional uncertainty of an ancillary terrestrial service will magnify those concerns, particularly due to the lack of a record on the subject of terrestrial operations in the band.

As CTIA stated in October 20, 2004 *ex parte*, the Commission should take action in this proceeding only if it has completed a valid assessment, including, if warranted, testing, of the potential for interference and concludes that the proposed modifications to the Air-Ground service will not increase the likelihood of interference to existing licensees in the 800 MHz band. Potentially adding an ATC to the Air-to-Ground band only increases the need for the Commission to complete such a valid assessment.

Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically for inclusion in the record of this proceeding.

Respectfully submitted,

*Christopher Guttman-McCabe*

Christopher Guttman-McCabe

cc: Sam Feder  
Bryan Tramont  
Sheryl Wilkerson  
Jennifer Manner  
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