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December 8, 2004

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VIA ELECTRONIC FILING

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

Re: **EX PARTE SUBMISSION**

WT Docket No. 03-66; Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

Dear Ms. Dortch:

Yesterday, Monsignor Michael J. Dempsey, Executive Director of Trans Video Communications, Inc. ("TVC") and President of the Catholic Television Network ("CTN"), Michael Lavery from the Archdiocese of New York, David G. Moore from the Archdiocese of Los Angeles Education and Welfare Corporation, and the undersigned, counsel to CTN, met with John Cody and Erin Dozier of Chairman Powell's office regarding the Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced proceeding.

We explained that from CTN's perspective, the manner in which grandfathered E and F group EBS licensees are treated in the transition to the new band plan is one of the most important issues raised in the FNPRM. While CTN intends to file formal comments on this issue, CTN wants to ensure that the Commission is getting a fair and balanced picture at the outset given the numerous ex parte submission made by the NY3G Partnership ("NY3G") concerning grandfathered E and F group licensees.

CTN pointed out that NY3G's submissions focus heavily on issues involving private negotiations between NY3G and TVC, the grandfathered F group licensee in New York City. CTN emphasized that because the issues raised in the FNPRM affect all grandfathered E and F group licensees, the Commission should avoid making broad public policy determinations based on allegations made by one party concerning a single licensee. CTN also emphasized that the Commission was hearing only one side of the story, and therefore, should refrain from forming

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opinions as to the merits of NY3G's arguments on the basis of incomplete information provided by one party.

CTN explained that a fundamental principle underlying its position on the E and F group issue is that grandfathered EBS licensees, who have been granted interference protection rights in perpetuity, should not be penalized in the process of transitioning to a new band plan (*e.g.*, through loss of spectrum or a loss of operational authority).

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this letter is being filed electronically.

Respectfully submitted,

/s/ Edwin N. Lavergne

Edwin N. Lavergne
Counsel to the Catholic Television
Network

cc John Cody