

December 15, 2004

FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

**Re: *Ex Parte*
2002 Biennial Review Proceeding - WT Docket No. 03-264**

Dear Ms. Dortch:

On Tuesday, December 14, 2004, Paul Garnett, Director, Regulatory Policy, CTIA – The Wireless Association™, along with Jim Bugel, Cingular Wireless, Neeti Tandon, Cingular Wireless, Dean Brenner, Qualcomm, Peter Gaal, Qualcomm (by phone), Charles Wheatly, Qualcomm (by phone), Mark Racek, Ericsson, Farshid Ghasenzadeh, Ericsson (by phone), Patrick Lundquist, Ericsson (by phone), Steve Sharkey, Motorola, Don Brittingham, Verizon Wireless, Richard Harvey, Verizon Wireless (by phone), Trey Hanbury, Nextel (by phone), Michael Ha, Nextel (by phone) and Chuck Jackson, Jackson Telecom Consulting, met with Bruce Franca, Deputy Chief, Office of Engineering and Technology, Ira Keltz, Chief, Electromagnetic Compatibility Division, Office of Engineering and Technology, Ahmed Lahjouji, Engineer, Office of Engineering and Technology, Lloyd Coward, Acting Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, Jay Jackson, Engineering Advisor, Mobility Division, Wireless Telecommunications Bureau, and Wilbert Nixon, Attorney, Spectrum Management Resources and Technology Division, Wireless Telecommunications Bureau, to discuss CTIA’s proposal to modify base station Equivalent Isotropically Radiated Power (“EIRP”) limits for PCS licensees contained in section 24.232 of the Commission’s rules, 47 C.F.R. §24.232. CTIA has proposed to restate current EIRP limits for PCS licensees with ones based on power spectral density. At the meeting, CTIA discussed the attached presentation.

CTIA also stressed that the primary goal of the proposed rule change is to accommodate deployment of new wideband technologies that are unreasonably limited by current EIRP limits. Under the current rules, narrowband technologies are able to operate at higher average power than wideband technologies. For example, GSM systems can operate two carriers within a single 1 MHz block — each carrier at the 1640 watts EIRP limit — for a total EIRP in 1 MHz of 3280 watts. PCS carriers

today typically operate several carriers in a single 5 MHz block of spectrum. The proposed rule is phrased in the alternative, permitting operation of single carriers at the current levels, in order to avoid placing a more stringent limit on current systems than now exists.

New technologies, such as WCDMA and OFDM, can generate a wideband signal — for example, one filling a full 5 MHz block — that serves more subscribers than can the signals of earlier technologies. However, these new technologies are restricted to operate at lower average power than are earlier systems, such as today's GSM and CDMA systems. For example, the current rules would limit a WCDMA system using a 5 MHz carrier channel to a total EIRP in 5 MHz of 1640 MHz -- substantially less than the EIRP permitted a typical GSM system in the same 5 MHz.

The proposed rule change would allow such a wideband system to roughly match the power used by GSM or CDMA today. Any interference created by a wideband carrier operating at the proposed limits should be no more severe than interference created by the current technology operating at the current limits. Indeed, because the wideband technology is likely to have a flatter power spectral density, interference concerns should be less than from current systems at the proposed power limit.

CTIA also noted that the current rules require the relevant power be measured on a peak basis. Although such peak measurements are appropriate for analog FM, they are not appropriate for current wideband technologies. Rather, an average measurement, measured over periods of continuous operation lasting for a few milliseconds is more appropriate. The average should not include periods of time in which the carrier is not actively transmitting—such as might occur in a lightly-loaded system employing a time-division multiplexing technology.

CTIA believes that it is unlikely that the requested rule change would increase the area in which subscribers get weak or marginal signals. Indeed, to the extent that 3G systems will be built on existing towers and cell sites exactly the opposite would be the case — a wideband system subject to the current per-carrier power limits would have more coverage holes than would a wideband system that took advantage of the proposed rules.

Marlene H. Dortch
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Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Paul W. Garnett

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Enclosure

cc: Bruce Franca
Ira Keltz
Ahmed Lahjouji
Lloyd Coward
Jay Jackson
Wilbert Nixon