

May 13, 2005

**BY ELECTRONIC FILING**

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

**Re: Response of the 800 MHz Transition Administrator to *Ex Parte* Submission of Preferred Communication Systems, Inc. - WT Docket No. 02-55**

Dear Ms. Dortch:

The 800 MHz Transition Administrator (“TA”) hereby responds to the *ex parte* letter of Preferred Communication Systems, Inc. (“Preferred”) that was filed with the Commission in the above-referenced docket on May 2, 2005 (“Preferred Letter”).<sup>1</sup> The Preferred Letter makes reference to an April 21, 2005 disclosure by BearingPoint to the Securities and Exchange Commission (“SEC”) regarding steps that the company is taking to address internal accounting issues. The Preferred Letter also suggests that minor web programming difficulties with the “TA Tools” portion of the TA’s website support the removal of BearingPoint from the TA team.

The TA addresses in this response the allegations of Preferred that focus on the independence and operation of the TA. BearingPoint is filing separately its own response, which addresses its SEC disclosures.

The Preferred Letter argues that BearingPoint’s SEC disclosure undermines “the credibility of the Company’s ‘Independence Management Plan’ to maintain appropriate controls separating those working for Nextel and those working for the TA.”<sup>2</sup> The TA, however, and not BearingPoint, established and maintains the Independence Management Plan. The TA’s Independence Management Plan is applicable to all members of the TA team, including BearingPoint. The TA’s General Counsel, Squire, Sanders & Dempsey L.L.P. (“Squire Sanders”), oversees the administration of the Independence Management Plan.

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<sup>1</sup> See Letter from Paul C. Besozzi, et al., counsel to Preferred Communication Systems, Inc., to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 02-55 (May 2, 2005) (“Preferred Letter”).

<sup>2</sup> *Id.*, at 3.

The Preferred Letter makes reference to a technical problem with the TA's searchable reconfiguration database, which was recently made available to the public as a part of the "TA Tools" portion of the TA's website. The database was intended as a convenience to licensees to provide them with information about their frequencies and locations that may be affected by the reconfiguration and their procedural status in the reconfiguration process. A disclaimer on the website clearly indicates that the database was not intended to be an engineering resource.<sup>3</sup>

In addition to displaying such relevant information as the call sign, the licensee mailing address, the existing frequency band and channel number, the relevant NPSAC region, the assigned reconfiguration wave, the post-reconfiguration service category and the procedural status of the license in the overall reconfiguration process, the TA's database also provides the latitude and longitude of each licensed site. This information was produced based on the FCC's Universal Licensing System ("ULS"). Although the coordinate information is not necessary to make use of the database, the TA provided the coordinates for informational purposes. As a result of a minor and immaterial software coding error on the website, however, the database repeated latitude information in both the latitude and longitude columns. The TA has since corrected the software to present the correct information in the appropriate columns.

The Preferred Letter also notes that the TA's searchable tool includes some cancelled licenses. As noted above, the license data included in the TA's database was obtained directly from the FCC's ULS database. The FCC does not remove cancelled licenses from its ULS database. The TA is preparing an updated database search tool, which will include a field to identify cancelled licenses.

Sincerely,

/s/ Robert B. Kelly  
Robert B. Kelly  
Squire, Sanders & Dempsey L.L.P.

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<sup>3</sup> The TA Tools portion of the TA's website notes, *inter alia*, that the search tools are intended only to assist site-based 800 MHz licensees to determine whether or not they are required to reconfigure their 800 MHz systems and the 800 MHz Transition Administrator cannot guarantee the accuracy of the data included. See [http://tatoos.800ta.org/CallsignChecker/\(vi14ax55k5grkuytqpxyjg55\)/TaToolsCallsignChecker.aspx](http://tatoos.800ta.org/CallsignChecker/(vi14ax55k5grkuytqpxyjg55)/TaToolsCallsignChecker.aspx) (last visited on May 10, 2005).