

June 2, 2005

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

**Re: *Ex Parte* Presentation
WT Docket 01-309**

Dear Ms. Dortch:

On Wednesday, June 1, 2005, Diane Cornell, Vice President, Regulatory Policy, Carolyn Brandon, Vice President, Policy and Lori McGarry, Director, Policy, CTIA-The Wireless Association™, met with John Branscome, Acting Legal Advisor for Wireless, Technology, and International Issues, Office of Commissioner Kathleen Q. Abernathy regarding the above captioned proceeding.

We discussed issues raised on reconsideration including: the de minimus exemption, applicability of HAC obligations to TDMA handsets, labeling requirements, the “two or 25%” compliance requirement applicable to Tier I carriers, and state enforcement authority under the HAC Act. A document detailing the discussion is attached as well as a legal analysis in support of CTIA’s recommendations regarding state enforcement authority.

In addition, on Thursday June 2, 2005, Diane Cornell spoke by phone with Mr. Feder to follow up on an issue relating to the “two or 25%” requirement and CTIA’s reconsideration request. In that conversation, Ms. Cornell proposed that the Commission consider modifying the requirement to instead require that Tier I carriers have the option of making available four HAC compliant handsets per air interface, or 25% of the total number of handsets offered by the carrier nationwide, by September 16, 2005. Allowing Tier I carriers the ability to comply with the HAC provisions by making a specific number of handsets available by September, rather than a percentage of handsets, would ensure that consumers have more certainty as to which handsets are HAC-compliant. Further, this approach would ensure that consumers will have a significant variety of of handsets from which to choose in September. In addition, establishing a specific number requirement enables the carriers to more clearly anticipate what their compliance obligations are, and would facilitate enforcement of the Commission’s rules. Finally, such a requirement further

ensures that sales employees can be effectively trained and prepared for in-store testing.

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,

Diane Cornell

Diane Cornell

Attachments

Cc: John Branscome