

June 7, 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 Monday, June 6, 2005, Sam Feder, Legal Advisor on Spectrum and International Issues to Chairman Martin, requested additional information from Diane Cornell, Vice President, Regulatory Policy, at CTIA-The Wireless Association™ regarding the issues raised in CTIA's Petition for Reconsideration in the above-referenced proceeding.

Tier I carriers are currently required to provide two HAC-compliant digital wireless handset models, or 25% of the total number of digital wireless handset models offered by the carrier nationwide, whichever is greater, for each air interface by September 16, 2005. CTIA has requested that the Commission revise the current HAC rules for Tier I carriers to give carriers the option of making available 4 digital wireless handset models or 25% of the total number of digital wireless handset models currently offered by the carrier nationwide per air interface by September 16, 2005. By September 16, 2006, Tier I carriers must make available one additional digital wireless handset model.

Following discussions with FCC officials last week, CTIA has worked with consumer groups to develop a position that balances the need for consumer choice and technical feasibility. In response to the request from Sam Feder, CTIA reports that, if the above approach were to be adopted, the certainty it would provide would enable Tier I member companies to meet the request of consumer groups to include HAC information on "call-out cards" which are part of the handset display in retail stores. Additionally, the Tier I members would agree to provide low-end and high-end HAC compliant handsets. CTIA believes that revising the two or 25% rule to reflect the proposed change, along with the additional steps to address consumer education needs described above, would afford consumers and industry increased certainty about and access to HAC-compliant phones.

<sup>1</sup> See Letter from Diane Cornell, Vice President, Regulatory Policy, CTIA, to Marlene H. Dortch, FCC, WT Docket 01-309 (June 2, 2005)



This letter is being submitted pursuant to Sections 1.1204(a)(10)(iv) and 1.1206(b) of the Commission's rules, and is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

*Diane Cornell*

Diane Cornell  
Vice President, Regulatory Policy

Cc: Sam Feder

