



July 28, 2005

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

RE: Ex Parte Presentation
CC Dockets No. 02-33, 95-20 and 98-10; WC Docket No. 03-251;
and WT Docket No. 02-353

Dear Ms. Dortch:

On July 27, 2005, Tom Sugrue, Vice President of Government Affairs for T-Mobile USA and Jamie Hedlund, Senior Corporate Counsel, Federal Regulatory Affairs for T-Mobile USA, met with Barry Ohlson, Senior Legal Advisor to Commissioner Jonathan S. Adelstein.

At the meeting, T-Mobile discussed the Commission's anticipated decision to reclassify DSL service provided by incumbent local exchange carriers ("ILECs") as an information service following the Supreme Court's decision in *Brand X*.¹ T-Mobile urged that any such decision should also address the concerns it raised in its comments in WC Docket No. 03-251. Consistent with those comments, T-Mobile urged the Commission to require ILECs to offer retail consumers cost-based, stand-alone DSL ("naked DSL") on a non-discriminatory basis.

Regarding WT 02-353, T-Mobile endorsed its license band plan for AWS spectrum, which it previously filed in this docket with RTG, and emphasized the importance of a June 2006 auction date. T-Mobile also urged the Commission not to act on the proposed modification to the Commission's Designated Entity (DE) program advocated by Council Tree Communications in a manner that would jeopardize the timing of the AWS auction. T-Mobile asserted that Council Tree's proposals fail to advance the goals of the DE program, but if the Commission decides to consider further Council Tree's proposed modifications, T-Mobile urges the Commission to initiate a separate proceeding that will not interfere with the AWS auction anticipated to commence in June 2006.

¹ See, "Chairman Kevin J. Martin's Announcement Regarding The Supreme Court's Decision In *Brand X*," June 27, 2005; *Nat'l Cable & Telecomm. Ass'n v. Brand X Internet Services*, Nos. 04-277 and 04-281, slip op. at 31 (June 27, 2005) ("*Brand X*").



Pursuant to Section 1.1206(b)(2) of the Commission's rules, a copy of this letter is being filed for inclusion in the above-referenced docket. Please direct any questions regarding this filing to the undersigned.

Sincerely,

/s/ James W. Hedlund

James W. Hedlund

cc: Barry Ohlson