December 21, 2006

VIA ELECTRONIC FILING

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

Re: *Ex Parte* Notice of Meeting; ET Docket No. 00-258; WT Docket No. 02-353; DA 06-1279

Dear Ms. Dortch:

On December 20, 2006, Michael Fitch, Connie Durcsak, John Brogan and Renu Batheja of PCIA – The Wireless Infrastructure Association ("PCIA") and Elizabeth Park of Latham & Watkins LLP met with Joel Taubenblatt, Peter Daronco, Peter Corea and Steven Buenzow (participating via teleconference) of the Wireless Telecommunications Bureau and representatives of CTIA – The Wireless Association ("CTIA"), to discuss issues relating to AWS clearinghouse operations. In attendance at the meeting on behalf of CTIA were Brian Josef and Christopher Guttman-McCabe of CTIA, Chris Holt and Mark Gibson of Comsearch, and Eric DeSilva and Tom Dombrowsky of Wiley, Rein & Fielding, LLP.

During the meeting, PCIA described the core principles of its proposed clearinghouse approach. PCIA also explained the details relating to cost-sharing on a typical link. Attached hereto are the exhibits presented by PCIA at the meeting.

Under PCIA's approach, all cost-sharing participants are stakeholders throughout the cost-sharing process, and as such, have a choice of clearinghouses upon filing link or PCN data with a clearinghouse. Each AWS licensee is subject to the cost-sharing rules and thus, should be entitled to assistance from the clearinghouse that it selects, at any stage of the cost-sharing process. By contrast, under CTIA's proposed clearinghouse approach, a participant would be barred from selecting a clearinghouse until it has paid all of its reimbursement obligations. This aspect of CTIA's proposal unduly restricts a participant's ability to enter into a contractual relationship with a clearinghouse, particularly in the circumstance where a PCN filer disputes an obligation notice.

Additionally, PCIA proposes that clearinghouses exchange link and PCN data on a real-time basis to ensure the reliability of cost-sharing data and to allow clearinghouses to

provide accurate and timely service to participants. Under this proposal, a participant filing a PCN only needs to file the PCN with the clearinghouse that it selects.

At the meeting, the parties also discussed a number of issues raised by CTIA in its December 7, 2006 *ex parte* filing. PCIA disagrees with CTIA's request that the Commission require participants to file site-specific data with both clearinghouses; however, PCIA supports the other requests in CTIA's *ex parte* filing. PCIA agrees that: (i) cost-sharing notifications sent via electronic mail should satisfy the requirement that such notices be in writing, (ii) it is unnecessary for AWS licensees to file information regarding polarization and emissions designators for cost-sharing purposes, and (iii) for a given relocated link, each *license* triggers only one cost-sharing obligation.

Please contact the undersigned at 703.535.7400 if you have any questions regarding this filing.

Respectfully submitted,

/s/ Michael T.N. Fitch

Michael T.N. Fitch
President & CEO

cc: Joel Taubenblatt
Peter Daronco
Peter Corea
Steven Buenzow

Introduction

- PCIA and CTIA have had good discussions about the two proposals
- PCIA and CTIA have made changes that reduce the differences between them
- Important differences still remain

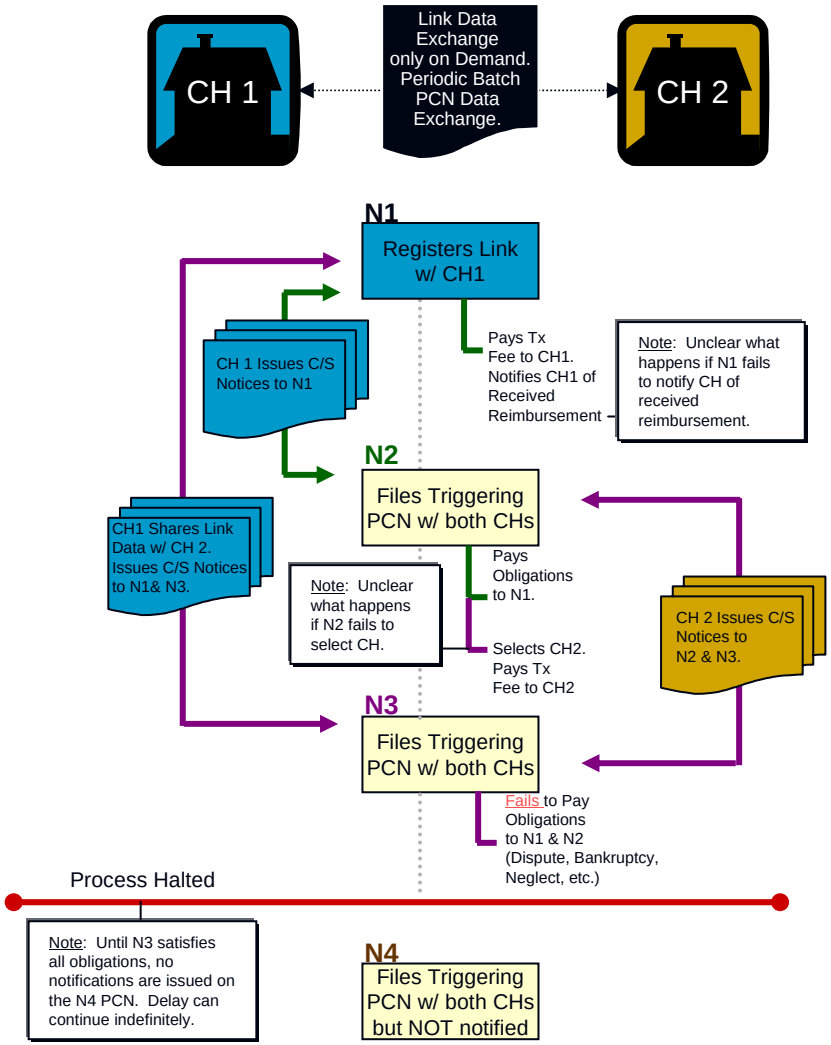
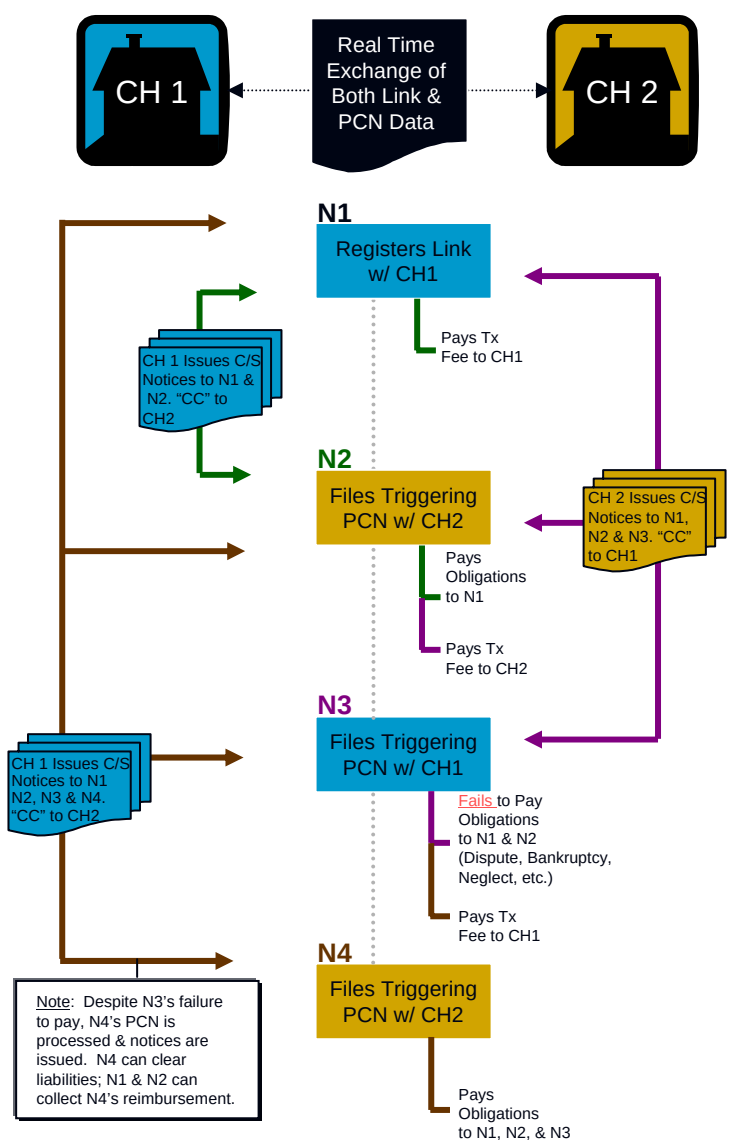
PCIA Plan Principles

- All cost-sharing participants—whether filing links or PCNs—are stakeholders throughout the process
- All stakeholders should have choice of which clearinghouse to use
    - Independent of other filers' choices
    - Choice is made by filing data with a single clearinghouse
- Stakeholder is entitled to assistance from its clearinghouse at any stage of the process
- Timely action on filings is important to the stakeholders and build-out of AWS
- Clearinghouses share link and PCN data on a real-time basis—which is technically feasible—to provide accurate and timely service

CTIA Plan Issues

- No participant's interests are considered until it has made reimbursement payments
    - Cost-sharing participants have no right of choice of clearinghouse until after their payments have been made
    - Cost-sharing participants have no right to assistance from a clearinghouse until after their payments have been made
- Link data is shared only in cases where a later payer chooses a different clearinghouse than earlier filer in chain
- Participants must file PCN data simultaneously with both clearinghouses
- Serial processing results in unnecessary delay and undue burdens in the processing of reimbursement claims, *e.g.*, clearinghouse will not consider N3 filing until N2 has met all of its reimbursement obligations
- Non-payment of an obligation stops the chain for indefinite time
    - Holds all downstream filers hostage and delays subsequent reimbursements to all upstream filers

PCIA Understanding of CTIA Proposed Approach



PCIA Proposed Approach