



August 31, 2007

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW – A325
Washington, DC 20554

Re: Written Ex Parte Presentation in WT Docket No. 07-16 and WT Docket No. 07-30

Dear Ms. Dortch:

On August 31, 2007, John Muleta, CEO of M2Z Networks, Inc., and the undersigned, had a telephone conversation with Matthew Berry, concerning the applicability of Section 7 to M2Z's license application. During the conversation, we indicated to Mr. Berry that a construction that purports that Section 7 of the Communications Act requires a party to "assert" that Section 7 applies is inconsistent with the Commission's treatment of statutory mandates that include timing provisions. Most notably, Section 10 of the Communications Act requires forbearance decisions to be made on a time-limited basis. Concerning forbearance petitions, the Commission has explicitly adopted a rule that requires a petitioner to assert that Section 10 applies at the time of the filing of a forbearance petition.¹ The Commission has established no such rule to implement Section 7 and may not now read such a rule into the statute, after the fact, since neither the plain language of the statute nor a provision of the FCC's rules imposes such an obligation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Uzoma C. Onyeije', with a stylized flourish at the end.

Uzoma C. Onyeije
Vice President Regulatory Affairs

cc: Matthew Berry

¹ See 47 CFR Section 1.53 ("In order to be considered as a petition for Forbearance subject to the 1-year deadline set forth in 47 U.S. C. 160(c), any petition requesting that the commission exercise its forbearance authority under 47 USC 160 shall be filed as a separate pleading and shall be identified in the caption of such pleading as a petition for forbearance under 47 USC 160(c).")

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