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**EX PARTE MEMORANDUM**

November 15, 2007

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554

Re: Recommendations of the Independent Panel Reviewing the  
Impact of Hurricane Katrina on Communications Networks,  
EB Docket No. 06-119

On November 14, 2007, Scott Forsythe, Roy Pottle, Vic Jensen and the undersigned, representing the American Association of Paging Carriers (AAPC), met with Aaron Goldenberger, Legal Advisor to Chairman Martin, Angela E. Giancarlo, Legal Advisor to Commissioner McDowell and (with the exception of Scott Forsythe) Wayne Leighton, Special Advisor to Commissioner Tate, concerning the emergency power backup rule for CMRS providers adopted by the Commission in EB Docket No. 06-119.

The representatives reiterated AAPC's firm support for the Commission's objectives in adopting the backup rule to maintain reliable communications services during emergencies, noting that such reliability is essential in any event to the core customers of paging services in the emergency medical, health and first and second responder communities. The representatives expressed concern, however, that the Commission in its discussions did not appear to acknowledge the economic and engineering differences between the paging and cellular industries and the implications of those differences for the Commission's public interest objectives in adopting the rule. The representatives urged the Commission to maintain flexibility in reviewing compliance plans for the individual carriers subject to the rule, and to favorably consider industry proposals for assuring reliability that may be presented in such plans.

Attached is a copy of the handout distributed at the meetings.

Respectfully submitted,

s/Kenneth E. Hardman

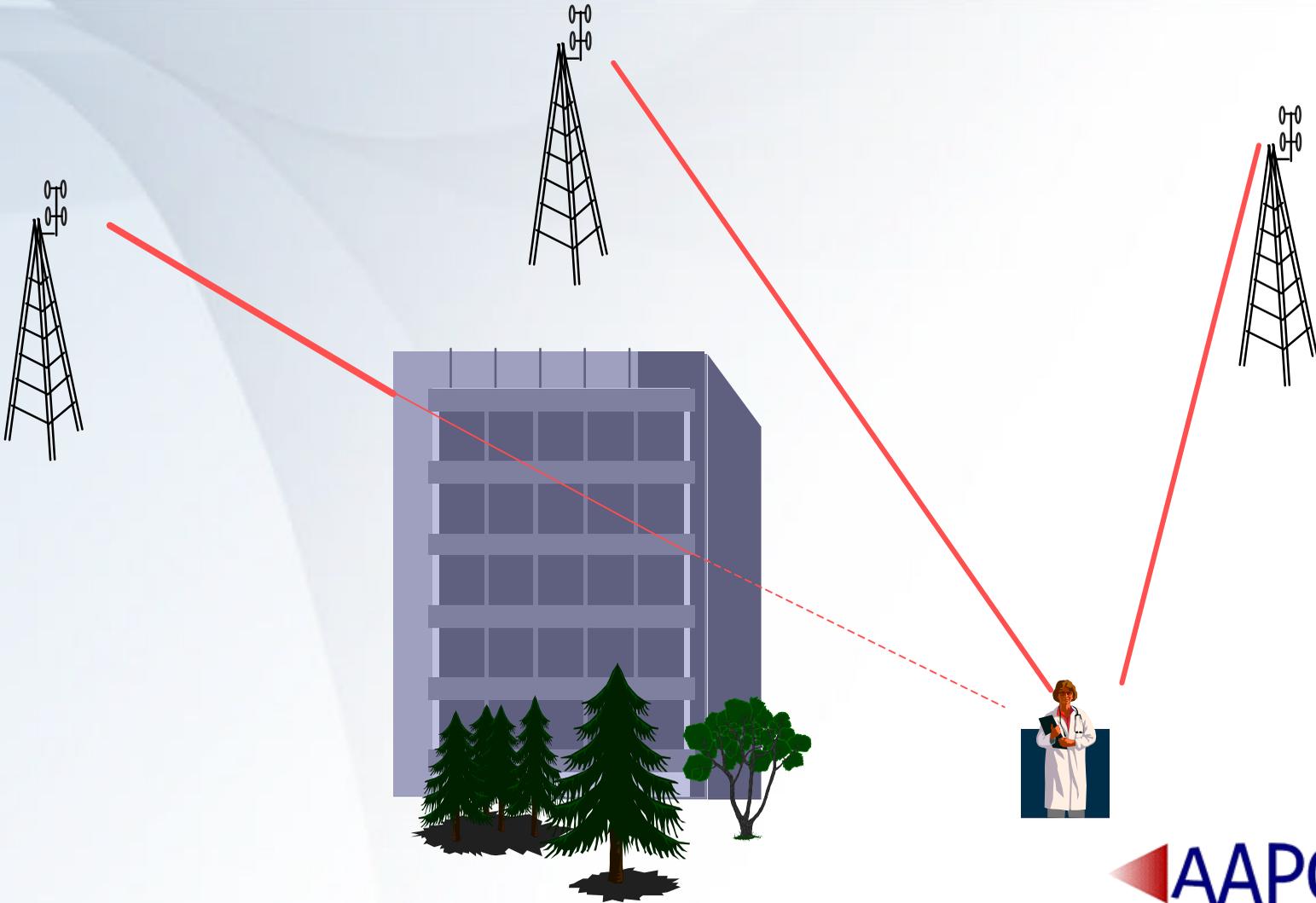
Enclosure

cc: Aaron Goldenberger  
Angela E. Giancarlo  
Wayne Leighton

AMERICAN ASSOCIATION OF PAGING CARRIERS  
November 14, 2007

- \* Although both are classified as “CMRS,” the paging and cellular industries are in very different positions economically to cope with significant unfunded federal mandates
  - \* From 49 million to 7.5 million subscriber units 1999-2007 for paging, compared to 76 million to 229 million subscriber units 1999-2007 for cellular
  - \* ARPU on the order of \$8 monthly for paging, compared to ARPU above \$50 monthly for cellular
  - \* Since 2002, the Commission has capped regulatory fees for paging carriers because it is “cognizant of the financial hardship that could be caused by increasing the [regulatory] fee (shrinking profit margins, additional loss of subscribers, reduced revenues, *etc.*) for this service category.”
  - \* Despite their very different economic circumstances, the Commission inexplicably found that the “burden for paging carriers” to comply with the emergency power backup rule “would not necessarily be any more onerous for paging carriers than for other CMRS providers.”
  - \* The numbers methodology for Universal Service Fund contributions currently under consideration would be similarly misguided if applied to paging carriers
- \* Significant differences exist in techniques used to engineer paging and cellular networks for reliability
  - \* Simulcasting in paging networks has no counterpart in cellular networks
  - \* Whether or not the “fill-in facilities employed by paging carriers are similar in size and power requirements as those used by other CMRS providers” misses the point that service reliability considerations are very different

# Simulcasting via Paging Significantly Improves Messaging Reliability



# Single Transmitter Solution Used in Cellular Systems

