

May 29, 2008

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
12th Street Lobby, TW-A325  
Washington, D.C. 20554

**Re: *Ex Parte* Communication, RM-11361; WT Docket Nos. 04-356,  
05-194, 07-195, 07-16, 07-30**

Dear Ms. Dortch:

On May 28, 2008, Steve Largent, President and CEO, Christopher Guttman-McCabe, Vice President, Regulatory Affairs, Paul Garnett, Assistant Vice President, Regulatory Affairs, CTIA – The Wireless Association® (“CTIA”), along with Steve Sharkey, Senior Director, Regulatory and Spectrum Policy, Motorola and Mark Racek, Director, Spectrum Policy, Ericsson, met with Commissioner Deborah Taylor Tate and Wayne Leighton, Special Advisor to the Commissioner, concerning issues in the above-referenced proceedings.

CTIA reiterated its continued support for the dismissal of the Skype Petition seeking to extend open application access and *Carterfone*-like device attachment obligations to the competitive wireless industry.<sup>1</sup> In addition, CTIA stressed the importance of an expeditious decision from the Commission granting its Petition for Declaratory Ruling and finding that wireless carrier early termination fees are rates under Section 332(c)(3)(A) of the Communications Act and therefore are subject to the Commission’s exclusive jurisdiction.

CTIA also discussed service and technical rules under consideration for one paired spectrum block comprising 1915-1920 and 1995-2000 MHz and one unpaired spectrum block comprising 2155-2180 MHz. CTIA expressed its concern that, as the Commission works to complete the service rules for spectrum in the 2155-2180 MHz band, certain proposals could skew an auction to the benefit of one entity or business model. CTIA stressed the need for continued fair, open auctions with flexible service rules, rather than tailored conditions that may favor certain parties over others.

CTIA also explained the importance of technical rules for both spectrum blocks that adequately protect millions of customers utilizing adjacent spectrum

<sup>1</sup> Petition to Confirm a Consumer’s Right to Use Internet Communications Software and Attach Devices to Wireless Networks, Skype Communications S.A.R.L., RM-11361 (filed Feb. 20, 2007).

blocks from harmful interference. Prior handset and filter testing demonstrates that, without protective technical rules, millions of American consumers will experience lost calls, distorted audio, inability to make and/or receive calls, inability to determine location (E-911), and lower data rates.<sup>2</sup> In order to minimize the likelihood of these events from occurring, parties previously have supported at least 10 MHz of separation between mobile transmission and mobile receive.<sup>3</sup> CTIA also urged the Commission to adopt out-of-band emission limits consistent with established industry standards. Such protections are particularly important in light of efforts by wireless carriers to utilize existing and recently acquired spectrum to deploy next generation wireless broadband services.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions regarding this submission, please contact the undersigned.

Sincerely,

*/s/ Christopher Guttman-McCabe*

Christopher Guttman-McCabe

cc: Commissioner Deborah Taylor Tate  
Wayne Leighton

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<sup>2</sup> See Comments of CTIA – The Wireless Association, WT Docket No. 04-356 (filed Dec. 8, 2004); *see also* Comments of Motorola, WT Docket No. 07-195 (filed Dec. 14, 2007); Reply Comments of Ericsson, WT Docket No. 07-195 (filed Jan. 14, 2008).

<sup>3</sup> Joint Comments of Sprint Corporation and Verizon Wireless, WT Docket No. 04-356 (filed Dec. 8, 2004).