

September 25, 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*; ET Docket Nos. 04-186 and 02-380; WT  
Docket Nos. 04-356 and 07-195**

Dear Ms. Dortch:

On September 25, 2008, Steve Largent, President and CEO, Christopher Guttman-McCabe, Vice President, and Paul Garnett, Assistant Vice President, Regulatory Affairs, CTIA – The Wireless Association®, met with Chairman Kevin J. Martin and Charles Mathias, Acting Legal Advisor to Chairman Kevin J. Martin to express concerns about proposed rules for Advanced Wireless Service (AWS) 2 and 3 spectrum in the 1915-1920 MHz, 1995-2000 MHz, and 2155-2180 MHz bands. Specifically, the proposed rules would skew an auction to the benefit of one entity or business model and create frequent service interrupting interference to millions of consumers relying upon adjacent AWS-1 and Broadband PCS spectrum. Contrary to M2Z's warrantless claims, the proposed AWS-3 rules also will not deliver services that are free, ubiquitous, broadband, or limited to qualifying low-income consumers.

As evidenced by a letter the FCC recently received on behalf of 56 signatories representing hundreds of large, medium, and small wireless and wireline companies and organizations,<sup>1</sup> uncertainty created by the Commission's continued consideration of these proposals is negatively impacting the ability of small and large, wireless and wireline, competitive and incumbent carriers alike to raise capital necessary to deploy broadband networks and deliver new and innovative services to consumers – particularly to those consumers located in rural areas. By reducing the value of the AWS-3 spectrum at auction, the proposed service rules also will deny the U.S. Treasury and more importantly the American people the full value of this scarce spectrum resource. CTIA, therefore, urges the FCC to resolve this proceeding in a manner that provides for fair, open auctions with flexible service rules and protective technical rules, rather than tailored conditions that favor certain parties and harm other parties.

<sup>1</sup> See Letter from AT&T, Blooston Rural Carriers et al., to Marlene Dortch, FCC, in WT Docket No. 07-195 (filed Sept. 10, 2008).

CTIA also reiterated its views supporting an areawide licensing approach, subject to auction, for TV White Space spectrum. CTIA explained that, as demonstrated by the success of the Commission's recent 700 MHz auction, the TV White Spaces represent ideal spectrum, with excellent propagation characteristics that are particularly well-suited to wide area mobile broadband communications.

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: Chairman Kevin J. Martin  
Charles Mathias