

October 28, 2008

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

**Re: Notice of *Ex Parte* Communication: ET Docket Nos. 04-186 & 02-380,  
WC Docket Nos. 01-92, 04-36, 05-337, 06-122**

Dear Ms. Dortch:

On Monday, October 27, 2008, Steve Largent, President and Chief Executive Officer, Christopher Guttman-McCabe, Vice President, Regulatory Affairs and Paul Garnett, Assistant Vice President, Regulatory Affairs, CTIA – The Wireless Association® (“CTIA”) met with Commissioner Jonathan S. Adelstein and his Legal Advisor, Renée Crittendon, to discuss three pending proceedings: (1) Proposals to set aside TV White Space spectrum for unlicensed fixed and personal/portable operations; and (2) Proposals to reform the intercarrier compensation and universal service systems. Mr. Largent and Mr. Guttman-McCabe also separately met with Commissioner Robert M. McDowell and his Chief of Staff and Senior Legal Advisor, Angela Giancarlo, to discuss the same issues. In addition, on Tuesday, October 28, 2008, Mr. Largent and Mr. Guttman-McCabe spoke via teleconference with Commissioner Michael J. Copps and his Legal Advisor, Scott Deutchman.

First, CTIA noted it supports Chairman Martin’s and the Commission’s efforts to take definitive steps toward comprehensive reform of both intercarrier compensation and universal service. CTIA underscored the need for reforms that better reflect consumer choice and the competitive marketplace. CTIA supports the framework in the draft Report and Order, Order on Remand, and Further Notice of Proposed Rulemaking currently under consideration, but respectfully requests the item be modified to: (1) Reduce the proposed transition to unified cost-based rates for traffic termination from ten years, as has been proposed, to five years; (2) Provide a five year transition during which support currently provided to competitive eligible telecommunications carriers (“ETCs”) under the identical support rule would be phased out in equal increments and funding provided under any successor mechanism(s) would be phased in; and (3) Seek comment on an appropriate universal service mechanism (or mechanisms) focused on the deployment and maintenance of advanced mobile wireless services in high-cost and rural areas. CTIA also requests modifications to the proposed numbers-based universal service contribution system so that it does not create unnecessary administrative complexity and does not unfairly treat over 44 million wireless prepaid and over 70 million wireless family-plan customers. These changes, while modest, will significantly improve the draft item and, most importantly, will increase the consumer benefits of the Chairman’s and the Commission’s intercarrier compensation and universal service reform efforts.

Second, CTIA reiterated its support for a measured approach as it considers unlicensed use in the TV white spaces. To that end, CTIA urges an incremental approach by

which unlicensed use of TV white spaces initially would be limited to a subset of television channels 21-36. Only if unlicensed operations in TV white spaces prove a successful business model that actually delivers on its promise and that can operate without causing interference to licensed operations, should the Commission consider extending unlicensed uses beyond the initial channel range. At the same time that the Commission pursues unlicensed uses, CTIA urges the Commission to set aside a portion of the television white spaces for licensed operations. Specifically, CTIA proposes that the Commission immediately reserve television channels 38-51 for licensed white space uses and reserve television channels 2-20 for future consideration. By taking a measured approach, the Commission can honor its spectrum management responsibilities while moving licensed spectrum to the market through auction for broadband use and still giving unlicensed white space proponents sufficient spectrum resources (at least 30-40 MHz in each market) to move forward with development.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

*/s/ Christopher Guttman-McCabe*

Christopher Guttman-McCabe

cc: Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Robert M. McDowell  
Scott Deutchman  
Renée Crittendon  
Angela Giancarlo