

December 3, 2008

***Electronic Filing***

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

**Re: *Ex Parte Presentation, WT Docket Nos. 08-165, 08-166,  
08-167; RM-11361***

Dear Ms. Dortch:

On Tuesday, December 2, 2008, Steve Largent, President and CEO, Christopher Guttman-McCabe, Vice President, and Brian Josef, Director, Regulatory Affairs, CTIA – The Wireless Association® (“CTIA”), met with Chairman Kevin J. Martin and Erika Olsen, Legal Advisor to the Chairman.

During the meeting, CTIA discussed its Petition for Declaratory Ruling to Ensure Timely Siting Review and the need for Federal Communications Commission (“FCC” or “Commission”) action to address the problem of local zoning authorities delaying or preventing wireless tower siting.<sup>1</sup>

CTIA noted the enormous strides the wireless industry has taken in committing to openness in wireless networks and handsets. Along these lines, CTIA expressed its 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>2</sup> CTIA also discussed its Petition for Declaratory Ruling on repeaters and jammers.<sup>3</sup>

Finally, CTIA urged the Commission to act expeditiously to ensure that the use of low power auxiliary stations (“LPAS”), such as wireless microphone systems, in the 700 MHz band does not threaten the future use of important spectrum that will become available with the February 17, 2009 DTV transition. CTIA expressed concern regarding the significant risk of interference to both commercial and public

<sup>1</sup> CTIA Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, WT Docket No. 08-165 (filed July 11, 2008).

<sup>2</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).

<sup>3</sup> CTIA Petition for Declaratory Ruling Regarding the Unlawful Sale and Use of Cellular Jammers and Wireless Boosters and Repeaters (filed Nov. 2, 2007).

safety communications systems caused by the continued use of the 700 MHz band by wireless microphones and other LPAS devices after the transition date. CTIA urged the Commission expeditiously to issue a decision prohibiting the manufacture, import, sale, offer for sale or shipment of LPAS devices operating in the 700 MHz band to prevent further devices from entering the market.

Pursuant to Section 1.1206 of the Commission's rules, 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: Chairman Kevin J. Martin  
Erika Olsen