

January 19, 2011

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: *Ex Parte Notice in ET Docket No. 08-59*

Dear Ms. Dortch:

On Tuesday, January 18, 2011, I made an ex parte communication to Edward Lazarus, FCC Chief of Staff, and Rick Kaplan, Chief Counsel and Senior Legal Advisor to Chairman Genachowski.

In the ex parte communication, I alerted Mr. Lazarus and Mr. Kaplan to a January 13, 2011 meeting between certain Office of Engineering and Technology ("OET"), Wireless Telecommunications Bureau ("WTB") and Office of Strategic Planning and Policy Analysis ("OSP") staff and representatives of GE Healthcare, Philips Healthcare and the Aerospace and Flight Test Radio Coordinating Council ("AFTRCC") to discuss a new joint proposal negotiated and developed by the three parties and submitted on January 14, 2011 into this docket for approval ("Joint Proposal").

In the January 18, 2011 ex parte communication, I referred to the Joint Proposal as a major breakthrough in this proceeding. I also stated that while AFTRCC's support is contingent upon review and approval of FCC draft rules by its Government flight test partners and, of course, NTIA, the proponents of the Joint Proposal believe that it could serve as a template for the private, cooperative resolution of other contentious spectrum access-related disputes. Finally, I indicated the parties' desire that a draft order consistent with the Joint Proposal be swiftly coordinated with NTIA and approved without significant changes.

Pursuant to Section 1.1206 of the Commission's rules, an electronic copy of this letter is being filed for inclusion in the above-reference docket.

Respectfully submitted,

/s/ Ari Q. Fitzgerald

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cc: Edward Lazarus
Rick Kaplan