

HOGAN & HARTSON  
L.L.P.

ARI Q. FITZGERALD  
PARTNER  
(202) 637-5423  
AQFITZGERALD@HHLAW.COM

January 9, 2003

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910  
WWW.HHLAW.COM

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Room TW-B204  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: Amendment of Part 2 of the Commission's Rules to Allocate  
Spectrum Below 3 GHz for Mobile and Fixed Services  
ET Docket No. 00-258  
*Ex Parte* Communication**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I am writing on behalf of NEC America, Inc. ("NEC") to notify you of an *ex parte* communication with Mr. John Branscome, Acting Legal Advisor to Commissioner Abernathy, that occurred on January 8, 2003 in connection with the above-referenced proceeding. The communication was made to discuss comments and reply comments previously filed by NEC in this docket.

NEC is a manufacturer of private branch exchange ("PBX") and key telephone systems that incorporate wireless handset capabilities using spectrum allocated for unlicensed PCS ("UPCS"). The discussion focused on various proposals raised in this docket for use of the 1910-1920 MHz band, including the WINForum proposal to allow isochronous UPCS use of the band. In the discussions, I reiterated NEC's position that the Commission's rules should be amended to allow the operation of isochronous UPCS in the 1910-1920 MHz band.

An original and one copy of this letter are submitted for inclusion in the proceeding record.

Respectfully submitted,



Ari Q. Fitzgerald  
Counsel for NEC America, Inc.

cc: Mr. John Branscome