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**TO: Marlene H. Dortch, Secretary
Federal Communications Commission**

**FROM: Donald L. Herman, Jr.
Bennet & Bennet, PLLC**

DATE: January 30, 2003

**RE: Notice of *Ex Parte* Communication
*In the Matter of A Proposal for Revising the MDS and ITFS Regulatory Regime, Filed by Wireless Communications Association International, the National ITFS Association and the Catholic Television Network RM-10586; ET Docket No. 00-258; IB Docket No. 01-185; ET Docket No. 95-18; WT Docket No. 02-55.***

On January 29, 2003, Donald L. Herman, Jr. of Bennet & Bennet, PLLC, representing Central Texas Communications, Inc., Leaco Rural Telephone Cooperative, Inc. and Adams Telcom, Inc. (collectively, "Commenters"), participated in a meeting with John Schauble and Nancy Zaczek of the Federal Communications Commission's ("FCC" or "Commission") Wireless Telecommunications Bureau.

During the meeting, Mr. Herman restated the position of the Commenters that, while they do not object to the majority of the new rules and procedures set out by the Wireless Communications Association International ("WCA") in its industry "white paper," the Commenters are concerned that the proposed rules, if adopted, would force them to immediately discontinue the provision of high-powered video services to customers in rural areas and force them into a new regulatory regime. The Commenters, holders of incumbent Multipoint Distribution Service ("MDS") licenses, Basic Trading Area authorizations and Instructional Television Fixed Service ("ITFS") leases in rural and unserved areas, asked that the Commission not institute a mandatory bandplan until the end of the Commenters' existing license terms, or in the alternative, should such a new regulatory regime be put into place prior to that time, asked that the Commenters' existing video-based services be afforded grandfathered status to allow these companies to continue to offer critical services to unserved and rural areas. Mr. Herman noted that the WCA-proposed 5 percent opt-out was based on an arbitrary standard that does not compensate for barriers to the provision of service in rural areas and would prove ineffective in preventing mandatory migration.

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The Commenters support the idea that, should the FCC initiate a rulemaking proceeding for the establishment of new rules for MDS and ITFS licensees, the Commission should propose rules that would allow rural and small market operators the flexibility to continue to operate their existing video and data services under the Commission's existing regulatory regime.

Should you have any questions or require additional information concerning this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/

Donald L. Herman, Jr.

cc: John Schauble
Nancy Zaczek