

ANN BAVENDER*
HARRY F. COLE*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
PAUL J. FELDMAN
FRANK R. JAZZO
EUGENE M. LAWSON, JR.
MITCHELL LAZARUS
SUSAN A. MARSHALL
HARRY C. MARTIN
RAYMOND J. QUIANZON
LEE G. PETRO*
JAMES P. RILEY
ALSON J. SHAPIRO
KATHLEEN VICTORY
JENNIFER DINE WAGNER
LILIANA E. WARD
HOWARD M. WEISS

*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW
11th FLOOR, 1300 NORTH 17th STREET
ARLINGTON, VIRGINIA 22209-3801

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhhlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS

CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U.S. AMBASSADOR (ret.)

OF COUNSEL
EDWARD A. CAINE*
DONALD J. EVANS
EDWARD S. O'NEILL*

WRITER'S DIRECT
petro@fhhlaw.com
703-812-0453

April 24, 2003

By Hand Delivery

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

**Re: Written Ex Parte Communication
WT Docket 03-66
Plateau Telecommunications, Inc. - FRN: 0003-8005-70**

Dear Ms. Dortch:

On behalf of Plateau Telecommunications, Inc., this is being submitted in response to the informal inquiry by the staff of the Wireless Telecommunications Bureau regarding the impact of the freeze, adopted in the above-referenced proceeding, on the filing of new and major-change applications by Instructional Television Fixed Service ("ITFS") and Multipoint Distribution Service ("MDS") licensees.

Plateau is the licensee of E & F licenses in Tucumcari, New Mexico, and has entered into agreements to operate in the Roswell, Clovis, and Carlsbad, New Mexico markets. Plateau intends to offer a hybrid of broadband data and voice services, along with the possible delivery of video programming as well.

On April 8, 2003, Plateau filed a Petition for Reconsideration of the application freeze adopted in the Memorandum Opinion and Order released on April 2, 2003 in the instant proceeding. In the Petition, Plateau asked that the Commission reconsider the adoption of the freeze, and provided information relating to Plateau's intended services to be provided to the public utilizing ITFS and MDS frequencies.

On April 17, 2003, the Commission's staff sought additional information regarding the impact of the freeze on ITFS and MDS licensees. On April 23, 2003, the Wireless Communications Association International, Inc. submitted an Ex Parte Presentation in this proceeding. Plateau wishes to state its continued support for the positions contained in WCA's presentation and its Petition for Reconsideration filed on April 7, 2003, and would like to submit a detailed response to the Commission staff's inquiry with respect to Plateau.

Specifically, Plateau has entered into an Agreement for the Purchase and Sale of Assets with Multimedia Development Corporation to acquire the BTA licenses and corresponding BTA rights in the Clovis, Carlsbad and Roswell, New Mexico markets. Also, Plateau recently consummated a BTA Partition Agreement with Nucentrix Broadband to acquire the BTA rights to certain counties within New Mexico. In all, Plateau is in the process in acquiring the MDS BTA rights to most of eastern New Mexico.

Upon authorization from the FCC with respect to the acquisition of these rights, Plateau had intended to construct the following two-way broadband facilities:

Tucumcari	1 path	2 channels	4 Applications
Clovis	4 paths	2 channels	16 Applications
Portales	3 paths	1 channel	6 Applications
Roswell	6 paths	2 channels	24 Applications
Artesia	3 paths	1 channel	6 Applications
Carlsbad	3 paths	1 channel	6 Applications

Unfortunately, Plateau was in the final stages of planning these facilities when the Commission adopted the application freeze. Therefore, despite expenditures of more than \$700,000 in acquiring the necessary BTA rights to apply for these facilities, Plateau is unable to move forward in the introduction of new broadband services to the public. Without the lifting of the application freeze, Plateau will be unable to introduce service in these markets, all the while making the necessary BTA installment payments owed to the Commission, and receiving no benefit from this investment. Moreover, over 200,000 persons in largely rural portions of New Mexico will not have access to a competitive source of broadband service.

Therefore, Plateau again urges the Commission to reconsider the adoption of the application freeze, and permit BTA licensees, who have paid substantial funds for the specific right construct market-wide broadband facilities, to serve the public interest and permit these licensees to file new and major-change applications.

Should any questions arise concerning this matter, please communicate with this office.

Sincerely,

Paul J. Feldman
Lee G. Petro

Counsel for Plateau Telecommunications, Inc.