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September 19, 2003

VIA ELECTRONIC SUBMISSION

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Ex Parte**
In the Matter of Allocations and Service Rules
for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands; WT Docket No. 02-146

Dear Ms. Dortch:

On September 17, 2003, Scott Morris, General Counsel and Senior Vice President, Public Affairs of Terabeam Corporation and the undersigned met with Edmond J. Thomas and Michael J. Marcus of the Office of Engineering and Technology to discuss the above referenced proceeding.^{1/}

Mr. Morris and I discussed Terabeam's desired approach to FCC authorization of the use of the spectrum in the bands 71-76 MHz and 81-86 MHz (the "Millimeter Wave Bands"). In particular, we expressed Terabeam's position that: 1) the Millimeter Wave Bands be authorized on a licensed or registered basis, with interference protection for earlier authorized entities; 2) that use of the Millimeter Wave Bands not be restricted to dual band Frequency Division Duplex ("FDD") technology (but that the FCC's regulations be flexible enough to permit the use of Time Division Duplex or single band FDD technologies).

^{1/} Section 1.1206(b)(2) of the rules and regulations of the Federal Communications Commission ("FCC") provide that this summary of our meeting be submitted no later than the next business day following the oral *ex parte* communications. The FCC's offices remained closed on September 18 and 19, 2003. Accordingly, pursuant to the provisions of Section 1.4(e) of the FCC's rules, the deadline for the submission of this summary has not yet passed.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

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Should there be any questions regarding this matter, please contact the undersigned directly.

Cordially yours,

/s/

Russell H. Fox

Attachments

cc: Edmond J. Thomas
Michael J. Marcus

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