

October 22, 2003



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in WT Docket No. 03-66

Dear Ms. Dortch:

On October 21, 2003, Harold Feld, Associate Director, MAP, Michael Calabrese, Director, Public Assets Program, New America Foundation, and Jim Snider, Senior Fellow, New America Foundation, had a discussion by telephone with David Furth, Associate Bureau Chief on matters in the above captioned docket.

MAP and NAF summarized the arguments in the initial comments filed by NAF, *et al.* Mr. Furth asked MAP and NAF to provide information on the following subjects: 1) How does MAP/NAF propose to measure demand for unlicensed services, and how can MAP/NAF demonstrate that assignment of a portion of the spectrum to unlicensed use would be more productive than exclusive licensing? 2) How did NAF, *et al.* determine that 90 MHz was the appropriate amount of spectrum to reclaim for unlicensed? 3) Does NAF, *et al.*'s proposal permit band pairing in accordance with the Coalition plan? 3) What incentives does NAF, *et al.* propose to offer licensees to clear the band? 4) If the Commission does not chose to reclaim spectrum for unlicensed, what rules would be necessary to ensure that exclusive licensees fully exploited the potential of the spectrum? 5) In light of the Supreme Court's decision in *Nextwave*, how can the Commission protect itself if it auctions spectrum? Must it require upfront payments for the entire amount bid?

MAP/NAF agreed to address these issues in the reply comments or in a subsequent *ex parte*. When asked when the Bureau expected to act, Mr. Furth stated that the Commission had made efficient use of spectrum a priority and that he hoped the Bureau would have a draft Order to the Chairman's office by the end of the first quarter or beginning of the second quarter of 2004.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted

Harold Feld
Associate Director
Media Access Project

cc: David Furth