

LAW OFFICES  
**BLOOSTON, MORDKOFKY, DICKENS, DUFFY & PRENDERGAST**  
2120 L STREET, NW  
WASHINGTON, DC 20037

HAROLD MORDKOFKY  
BENJAMIN H. DICKENS, JR.  
JOHN A. PRENDERGAST  
GERARD J. DUFFY  
RICHARD D. RUBINO  
MARY J. SISAK  
D. CARY MITCHELL  
DOUGLAS W. EVERETTE

ARTHUR BLOOSTON  
1914 – 1999

(202) 659-0830  
FACSIMILE: (202) 828-5568

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AFFILIATED SOUTH AMERICAN OFFICES

ESTUDIO JAUREGUI & ASSOCIATES  
BUENOS AIRES, ARGENTINA

ROBERT M. JACKSON  
OF COUNSEL

PERRY W. WOOFER  
LEGISLATIVE CONSULTANT

EUGENE MALISZEWSKYJ  
DIRECTOR OF ENGINEERING  
PRIVATE RADIO

**WRITER'S CONTACT INFORMATION**

202-828-5540  
jap@bloostonlaw.com

***Filed Electronically***

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: WT Docket No. 01-90  
ET Docket No. 99-85  
RM-9096**

**EX PARTE NOTICE**

Dear Ms. Dortch:

This letter is to memorialize for the record in the above referenced dockets today's meetings between Ed Ring of 3M, John Prendergast and Eugene Maliszewskyj of Blooston, Mordkofsky, Dickens, Duffy & Prendergast (on behalf of 3M), and the following personnel from the FCC Public Safety and Private Wireless Division: Dwana Terry, Chief; Jeanne Kowalski, Deputy Chief -Public Safety; Peter Daronco, Deputy Chief, Policy and Rules Branch; Nancy Zaczek, Special Counsel; Greg Intoccia, Special Counsel; and Gerardo Mejia, Electronics Engineer. During this meeting, the attendees discussed the emission mask and antenna height restrictions that are under consideration for Dedicated Short-Range Communications Services (DSRC), pursuant to the Commission's November 15, 2002 Notice of Proposed Rulemaking and Order (FCC 02-302) in the above proceedings. 3M expressed concern that the proposed emission mask and antenna height restrictions may impede the development of certain public safety technologies in a cost effective manner, without a corollary interference protection benefit. 3M will furnish the Commission with additional information on its research on these topics.

Please direct any questions concerning the above matter to the undersigned at (202) 828-5540.

Sincerely,

/s/ John A. Prendergast

JAP/mlb

cc: Dwana Terry  
Peter Daronco  
Nancy Zaczek  
Jeanne Kowalski  
Gerardo Mejia  
Greg Intoccia