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November 13, 2003

Ex Parte Memorandum

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, DC 20554

Re: In the Matter of Amendment of Part 22 of the Commission's Rules  
To Benefit the Consumers of Air-Ground Telecommunications Services;  
Biennial Regulatory Review – Amendment of Parts 1, 22, and 90 of  
the Commission's Rules, WT Docket No. 03-103

Dear Ms. Dortch:

On November 13, 2003, Christine McLaughlin, representing Metrocall Holdings, Inc. (Metrocall), and the undersigned, representing American Association of Paging Carriers (AAPC), met with Richard J. Arsenault, Esq., and Lloyd W. Coward, Esq., Attorney Advisors to the Commercial Wireless Division, Wireless Telecommunications Bureau, to discuss the Commission's proposal in WT Docket No. 03-103 to eliminate the term "common carrier" from Part 22 of the rules. Interconnection battles fought by paging companies over the years were reviewed to illustrate the continued importance of common carrier status to the paging industry, along with the implications of common carrier status for paging carriers under the recent Health Insurance Portability and Accountability Act of 1996. Metrocall and AAPC also stated that they did not object to use of spectrum licensed under Part 22 for non-common carrier services, provided that Part 22 remains clear that doing so does not undermine the legal protections afforded for the carriers providing common carrier services.

Should there be any questions concerning this matter, kindly contact the undersigned.

Very truly yours,

s/Kenneth E. Hardman

Kenneth E. Hardman

cc: Richard J. Arsenault, Esq.  
Lloyd W. Coward, Esq.