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December 10, 2003

FILED ELECTRONICALLY

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

Re: Notice of *Ex Parte* Presentation in Amendment of the Commission's Rules Regarding Dedicated Short Range Communications Services in the 5.850-5.925 GHz Band (5.9 GHz Band), WT Docket No. 01-90 and ET Docket No. 98-95

Dear Secretary Dortch:

Pursuant to Section 1.1206(b) of the Commission's Rules, 47 CFR § 1.1206(b), notice is hereby provided in the above-referenced dockets regarding an *ex parte* presentation made to representatives of the Wireless Telecommunications Bureau and by representatives of the Intelligent Transportation Society of America ("ITS America") on December 9, 2003. Attending on behalf of ITS America were Paul Najarian, Director of Telecommunications and Standards, and Robert Kelly and Mark Johnson of Squire, Sanders & Dempsey L.L.P., counsel to ITS America.

Attending on behalf of the Wireless Telecommunications Bureau were John Muleta, Chief of the Bureau; Aaron Goldberger, Legal Counsel, Office of the Bureau Chief; D'Wana Terry, Chief of the Bureau's Public Safety and Critical Infrastructure Division, and Nancy Zaczek, an Attorney-Advisor in the Broadband Division.

The attendees discussed three issues currently before the Commission in these proceedings: the adoption of a standard¹ by the Commission, licensing methodology and spectrum sharing and coordination. ITS America further noted that adoption of a standard is necessary to achieve national interoperability of public and private DSRC systems. ITS America also reiterated its view that site specific licensing is the most appropriate licensing methodology for the DSRC service. Finally, ITS America noted that discussions between it and the Satellite Industry Association are on-going regarding potential coordination and interference issues related to DSRC and FSS operations in the 5.9 GHz Band

¹ ASTM E 2213-03, Standard Specification for Telecommunications and Information Exchange Between Roadside and Vehicle Systems – 5 GHz Band Dedicated Short Range Communications (DSRC) Medium Access Control (MAC) and Physical Layer (PHY).

and adjacent C Band. Technical studies jointly sponsored by the industry groups are also not yet completed.

Please do not hesitate to contact me if there are any questions regarding this submission. A copy of this notice will also be provided to the named Commission staff via email.

Sincerely,

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Mark D. Johnson

cc: John Muleta
Aaron Goldberger
D'Wana Terry
Nancy Zaczek