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December 18, 2003

Via Electronic Comment Filing System

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

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boston
dallas

delaware

new york

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Re: EX PARTE SUBMISSION

Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands WT Docket No. 03-66

Dear Ms. Dortch:

On October 23, 2003, Navini Networks, Inc. ("Navini") filed reply comments in the above-referenced proceeding which raised concerns with the proposed method of measuring the out-of-band emissions for MDS/ITFS base stations (and response stations) as set forth in footnote 94 of the comments filed by the Wireless Communications Association International, the National ITFS Association, and the Catholic Television Network (the "Coalition"). Footnote 94 of the Coalition's comments urged that all measurements relating to MDS/ITFS out-of-band emission limits be taken consistent with the provisions of Section 24.238(b) of the Commission's rules. However, the Coalition's comments mistakenly quoted Section 24.238(b) as it existed *prior* to amendments made to that rule in August 2002.

Navini has discussed this matter with representatives of the Coalition and has been advised that the Coalition did not mean to suggest that the current version of Section 24.238(b) should be revised. Thus, this letter is being submitted to advise the Commission that **Navini and the Coalition are in agreement that the Commission should use the existing version of Section 24.238(b) as the method of measuring the out-of-band emissions for MDS/ITFS base stations and response stations.** Accordingly, Navini's

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October 23, 2003 objection to footnote 94 of the Coalition's proposal is hereby withdrawn.

As permitted by Section 1.49(f)(1)(i), this *ex parte* submission and the associated attachment is being filed via the Commission's Electronic Comment Filing System. Please contact the undersigned if there are any questions in connection with this matter.

Respectfully submitted,

/s/ Terry G. Mahn

Counsel to Navini Networks, Inc.

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