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March 30, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, D. C. 20554

**Re: Notice of Ex Parte
Presentation
WT Docket No. 02-55**

Dear Ms. Dortch:

This is to advise that on March 29 Marvin W. McKinley, President, MRFAC, Inc.; Lawrence A. Fineran, Vice-President, National Association of Manufacturers; Frank C. Weaver, Director, Telecommunications Policy, The Boeing Company; and the undersigned, representing the National Association of Manufacturers and MRFAC, Inc., met with Commissioner Copps and his legal assistant, Paul Margie, regarding the above-referenced proceeding. The focus of the meeting was on protections for incumbent licensees. A summary of points discussed is attached. In addition, the parties discussed issues regarding the Commission's legal authority relative to ordering re-banding and/or best practices, and the NAM/MRFAC filing of March 24.

An original and one copy of the letter are submitted for inclusion in the Docket.

Sincerely,
/s/ William K. Keane
William K. Keane

Attachment

cc: Commissioner Michael Copps
Paul Margie

WSH\110837.1

Due Process and Re-Banding

Protections for incumbent licensees should be based closely on existing Rule 90.699 with minimal adjustments to accommodate NPSPAC block relocation. For example:

- The Commission should administer any re-banding process with support, as appropriate, from a disinterested contractor not aligned with any party to this proceeding
- Require mandatory negotiations with Nextel commencing on effective date of Report and Order with end dates keyed to relocation date for each Region
- Retain requirement that new facilities be comparable to replaced facilities
- Condition availability of new spectrum assignments on Nextel completing relocations
- Retain the existing Rule's provision for involuntary relocation in the absence of agreement
- Require resort to alternative dispute resolution on expedited basis in the event of disagreements over comparability and/or reimbursement
- Create expedited process for Commission review of any unresolved disputes/waiver requests
- Five years' operating costs per current Rule 90.699