

KATHLEEN WALLMAN
9332 RAMEY LANE
GREAT FALLS, VA 22066
April 10, 2004

Re: 02-55

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Dear Ms. Dortch:

On April 8, 2004, Cheryl Crate, Vice President of Pegasus Communications Corp., and I, a consultant to Pegasus Communications, met with the officials of the Office of General Counsel listed below to discuss proposals to reduce public safety interference in the 800 MHz band. We discussed Pegasus's position that the Commission should not act on the matter in a way that adversely affects the value of the guard band licenses in the 700 MHz band. We discussed our view that if the Commission does act in a way that adversely affects the guard band licenses, Pegasus would be constrained to take legal action to preserve its position. We discussed Pegasus's view that the Takings Clause prohibits such action without compensation and that action at the eleventh hour would be inconsistent with the notice provisions of the Administrative Procedure Act.

Very truly yours,

//signed//

Kathleen Wallman

Attendees: Linda Kinney, Elizabeth Lyle, Austin Schick, David Horowitz, Nick Bourne, Jeff Dygert,