

*Filed Electronically VIA ECFS*

May 6, 2004

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services To Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems - ET Docket No. 00-258*

*NOTICE OF ORAL EX PARTE COMMUNICATION*

Dear Ms. Dortch:

Yesterday, Karen B. Possner of BellSouth Corp., Luisa Lancetti of Sprint Corp. and the undersigned, representing the Wireless Communications Association International, Inc. ("WCA"), met with Sheryl Wilkerson, Legal Advisor to Chairman Powell, and David Furth and Uzoma Onyeije of the Wireless Telecommunications Bureau to discuss the letter they submitted on April 7, 2004 suggesting a resolution of the issues pending in the *Third Notice of Proposed Rulemaking* in ET Docket No. 00-258 regarding the relocation of Multipoint Distribution Service ("MDS") licensees from the 2150-2162 MHz band to free spectrum for Advanced Wireless Services ("AWS").

During the course of the meeting, the industry discussed the evolution of their proposal for utilizing the 1730-1735/2130-2135 MHz band for MDS relocation, and urged the Commission to release a public notice soliciting comment on their proposal to assure that the Commission has a full and complete record before it when it resolves the MDS relocation issues. In addition, they discussed in detail the efforts WCA has undertaken to re-examine other alternatives and reported on the status of WCA's analysis of the spectrum immediately below the 2.5 GHz band. They noted the potential for interference between MDS and the Broadcast Auxiliary Service ("BAS") if MDS were relocated to 2490-2500 MHz and the Mobile Satellite

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Service Ancillary Terrestrial Component (“ATC”) moved to 2483.5-2490 MHz and expressed WCA’s ongoing exploration of whether, if digitized, BAS operations can be restricted in a manner that prevents interference to MDS from out-of-band emissions and brute force overload. In addition, they expressed concern that the potential for such a bandplan to result in interference between MDS and ATC and unlicensed users operating below 2483.5 MHz had not been fully explored by the Commission.

Should you have any questions regarding this presentation, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

cc: Sheryl Wilkerson  
David Furth  
Uzoma Onyeije