

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

May 27, 2004

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 – EX PARTE PRESENTATION

Dear Ms. Dortch:

On May 27, 2004 the undersigned spoke long distance with each of Barry Ohlson, Legal Advisor to Commissioner Jonathan Adelstein; Jennifer Manner, Legal Advisor to Commissioner Kathleen Abernathy; and Sam Feder, Legal Advisor to Commissioner Kevin Martin to further discuss issues involved in proposals to move MDS Channel 2. I reiterated that if MDS Channel 2 is moved up to above 2.5 GHz it needs to receive an allocation of at least 6 MHz. This is the amount of spectrum currently available to licensees of MDS Channel 2 at 2156-2162 MHz. A move up in the band of 400 MHz or more into the 2.5 GHz band will cause MDS Channel 2 to suffer worse propagation characteristics (path lengths at 2.5 GHz are approximately 50% of those at 2.1 GHz) and a loss of capacity even if it remains a 6 MHz channel. Any smaller bandwidth allotment would exacerbate the problem and result in an even more significant loss in capacity.

As discussed last week, the only allocation of 5 MHz that would be acceptable is 5 MHz between 2155-2170 MHz that would be paired with lower down 3G/AWS spectrum. CPE to base station devices could then be manufactured and operate in the lower portion of the band and thus would have the benefits of better (rather than worse) propagation.

Very truly yours,

/James H. Wiesenberg/

James H. Wiesenberg
Member & COO
DCT Los Angeles LLC

c.c. Barry Ohlson
Jennifer Manner
Sam Feder