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June 3, 2004

VIA ELECTRONIC FILING

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

Re: **EX PARTE SUBMISSION**

WT Docket No. 03-66; 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

Dear Ms. Dortch:

Yesterday, Edwin N. Lavergne, counsel to the Catholic Television Network ("CTN"), and the undersigned, counsel to NIA, met with Uzoma Onyeije, Legal Advisor, Office of the Bureau Chief, Wireless Telecommunications Bureau, regarding the referenced proceeding.

We discussed two issues with Mr. Onyeije: the question whether eligibility rules for holding Instructional Television Fixed Service ("ITFS") licenses should be modified, and possible changes to the band plan proposed by the industry coalition.

With respect to the eligibility issue, we expressed our view that current eligibility rules for ITFS need to be retained, and that any decision in the Report and Order retaining the rules should not be undermined in the contemplated Further Notice of Proposed Rule Making that will explore issues related to the transition in the band going forward. In particular, there should be no reopening of the basic decision to preserve eligibility restrictions, no sunset provision and no presumption that the rules should go away at some future point. .

With respect to the band plan, we were introduced to the WTB's plan for accommodating MDS1 and 2 in the 2.5 GHz band and discussed technical and other implications related to that change.

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Pursuant to Section 1.1206(b)(2) of the Commission's Rules, we are submitting this summary of the meeting by filing an electronic copy of this letter in the public record of the proceeding.

Should any questions arise concerning this matter, kindly contact undersigned counsel for the National ITFS Association.

Respectfully submitted,

/s/ Todd D. Gray

Todd D. Gray

cc by email: Uzoma Onyeije