

October 20, 2004

VIA ELECTRONIC FILING

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

Re: WT Docket No. 03-103
Written Ex Parte Presentation

Dear Ms. Dortch:

CTIA – The Wireless Association™ (“CTIA”) understands that the Commission currently is considering proposals to reform the rules governing the Air-Ground Telecommunications Service in the 849-851/894-896 MHz bands.¹ CTIA urges the Commission to ensure that any new Air-Ground licensing and service rules continue to protect operations in adjacent bands from interference – operations that include cellular, SMR, public safety, and private wireless services.

Since early in this proceeding, parties have stressed the need for the Commission to take into account the potential for adjacent band interference if the Air-Ground rules are modified to permit different uses of the band.² While it appears that recent discussions have focused primarily on the potential for interference within the Air-Ground band, the record is extremely limited with respect to the potential for adjacent band interference. This lack of record is a cause for concern, as the Commission considers several very different proposals for use of the band.³ As the Commission considers modifications to its Air-Ground rules, it must ensure that such changes do not cause harmful interference to existing licensees.

¹ Amendment of Part 22 of the Commission’s Rules to Benefit the Consumers of Air-Ground Telecommunications Services, Biennial Regulatory Review – Amendment of Parts 1, 22, and 90 of the Commission’s Rules, WT Docket No. 03-103, *Notice of Proposed Rulemaking*, 18 FCC Rcd 8380 (2003).

² *See, e.g.*, Comments of Motorola, Inc., WT Docket No. 03-103 (filed Sept. 23, 2003) (“While increased use of the band does not necessarily mean that a greater potential for interference exists, before adopting any changes in the air-ground rules that greatly affect the density of use as well as the types of applications [in the band], the FCC must fully consider the potential impact to adjacent allocations and avoid creating any new interference scenarios similar to those being experienced in the 806/824/851-869 MHz band.”).

³ One proposal, for example, would include reversing the Air-Ground transmit and receive bands and would create the potential for aircraft transmissions to interfere with public safety mobile reception in the 851-861 MHz band.

As the Commission is well aware, the 800 MHz band has been the subject of considerable debate regarding interference. The Air-Ground spectrum under consideration is adjacent to Cellular, NPSPAC, and SMR spectrum, which were the focus of a lengthy and complex proceeding to resolve interference to public safety licensees. After several years of analysis and debate regarding interference to this very band of spectrum, prudent policymaking dictates that the Commission act with caution. It should take action in this proceeding only if it has completed a valid assessment, including, if warranted, testing, of the potential for interference and concludes that the proposed modifications to the Air-Ground service will not increase the likelihood of interference to existing licensees in the 800 MHz band.

Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically for inclusion in the record of this proceeding.

Respectfully submitted,

Christopher Guttman-McCabe

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cc: Sheryl Wilkerson
Jennifer Manner
Paul Margie
Sam Feder
Barry Ohlson
John Muleta
Peter Tenhula
David Furth
Gregory Vadas
Kathy Harris
Ed Thomas
Julius Knapp
Jim Schlichting
Ira Keltz