

October 5, 2004

Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, D.C. 20554

Re: **EX PARTE**
RM- 11019; Auction 58 (Report No. AUC-03-58-A)

Dear Ms. Dortch:

CTIA - The Wireless Association™ (“CTIA”)¹, pursuant to Sections 1.41 and 1.46 of the Commission’s Rules, respectfully requests the FCC’s Wireless Telecommunications Bureau to move the November 12th deadline for filing Forms 175 in Auction 58 three to four weeks closer to the auction start date, in order to shorten the period in which the anti-collusion rule is in effect during the auction process.

Industry members are concerned that the combination of the broad scope of the anti-collusion rule, and the unusually lengthy time that it will be in effect during Auction 58, will prohibit them from pursuing or completing important transactions during the critical year-end period. During the period that the anti-collusion rule is in effect, companies that expect to participate in an auction routinely implement rigorous measures to ensure compliance with the rule, including halting certain discussions with other applicants in the auction. These measures can also include shielding business-development employees from auctions-related employees to ensure that the company’s auction strategy is not unintentionally discussed as a part of various business transactions. For companies with limited resources, separating employees that normally would work closely together creates substantial inefficiencies and, if required for an extended period of time, can create hardships for company operations.

In addition, Auction 58 represents a very important opportunity both for large and small commercial mobile carriers to obtain PCS spectrum. Whether or not the FCC maintains the current eligibility requirements for this auction, carriers interested in obtaining

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. CTIA membership covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

spectrum may wish to negotiate bidding alliances and other business arrangements relating to the auction, which must be completed prior to the Form 175 filing deadline. Given the uncertainty relating to the eligibility rules for this auction, as well as other market developments, all potential bidders to this auction would greatly benefit from an additional three to four weeks to complete their business negotiations.

The 60-day period between the Form 175 filing deadline and the commencement of Auction 58 on January 12, 2005, is among the longest used in previous FCC auctions. This protracted period poses particularly difficult challenges for Auction 58 bidding entities because the start of Auction 58 falls so close to year-end when businesses routinely attempt to consummate multiple transactions for tax and other reasons. CTIA appreciates the time required for the FCC staff to review the Forms 175 and to prepare adequately for auction. A short extension of the Form 175 filing deadline, however, should not interfere with that process. At the same time, moving out the deadline for three to four weeks would minimize the costs of businesses interruptions to companies, particularly those with limited resources, for whom completing important transactions by year-end is critical.

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed.

Respectfully submitted,

/s/

Diane J. Cornell

Vice President, Regulatory Policy

cc :	Bryan Tramont	Sheryl Wilkerson	Jennifer Manner	Sam Feder
	Paul Margie	Barry Ohlson	John Muleta	Scott Delacourt
	David Furth	William Kunze	Margaret Wiener	Martin Perry
	Kathy Harris	Audrey Bashkin	Scott Mackoul	Erin McGrath