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MAY - 3 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

May 3, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

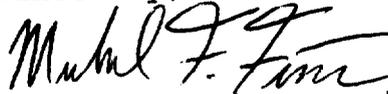
Re: Ex Parte Meetings
ET Docket No. 95-183

Dear Mr. Caton:

Earlier today, representatives of WinStar Communications, Inc. ("WinStar") met with Commissioner Ness and her Legal Advisor David Siddall, Commissioner Chong and her Senior Legal Advisor Jane Mago, Rudolfo Baca, Legal Advisor to Commissioner Quello, and Jackie Chorney, Legal Advisor to the Chairman, to discuss issues raised in the initial comments and reply comments filed in the above-referenced proceeding. Representatives of WinStar included William J. Rouhana, Jr., Timothy R. Graham, Leo I. George, Joseph M. Sandri, Jr., Philip L. Verveer, and the undersigned.

During the meetings, WinStar reiterated the views expressed in its comments and reply comments in the above-referenced proceeding. WinStar also participated in a discussion concerning Motorola Satellite Communications, Inc.'s comments and associated petition for rulemaking concerning the allocation of spectrum in the 37.5-38.6 GHz band. In addition, WinStar distributed a summary of its positions. Copies of the summary are attached.

Sincerely,



Michael F. Finn

No. of Copies rec'd 012
List ABCDE

Attachments

Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036-3384
202 328 8000
Telex: RCA 229800
WU 89-2762
Fax: 202 887 8979

WINSTAR COMMUNICATIONS, INC.
SUMMARY OF POSITIONS IN THE 37-40 GHZ PROCEEDING

RECEIVED

MAY - 3 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

THE 37-40 GHZ BAND SHOULD BE:

- CONTROLLED BY MARKET FORCES AND NOT GOVERNMENT REGULATION
- ASSIGNED BY AUCTION
- SUBJECT TO MAXIMUM REGULATORY FORBEARANCE
- GRANTED ON AN MTA BASIS PER THE PROPOSED CHANNELIZATION PLAN

WITH RESPECT TO AUCTIONS:

- NO PCS SET ASIDE IS NECESSARY
- SIMULTANEOUS MULTIPLE ROUNDS ARE BEST
- THE UPFRONT PAYMENT MUST BE LOWERED

GIVEN THE COMPETITIVE NATURE OF THE MARKET:

- NO RESTRICTIONS ON USE OF THE BAND SHOULD BE IMPOSED
- THE SPECTRUM CAP SHOULD BE RAISED OR REMOVED
- ATTRIBUTION LIMITS SHOULD BE RAISED
- THE BUILD OUT REQUIREMENTS SHOULD BE LIFTED
- TECHNICAL RULES GENERALLY SHOULD NOT BE ADOPTED
- SPECTRUM SHOULD NOT BE SHARED WITH THE GOVERNMENT

THE ONE-TO-A-MARKET RULE IS:

- LIMITED TO LICENSEES PROVIDING ONLY PCS BACKHAUL SERVICES
- INAPPLICABLE TO WINSTAR WHICH IS BOTH A CLEC AND A CAP

THE COMMISSION MUST RESOLVE:

- MOTOROLA'S REQUEST THAT FIXED SATELLITE SERVICES SHARE THE BAND WITH FIXED SERVICES PRIOR TO LICENSING THE BAND

WINSTAR COMMUNICATIONS, INC.
POSITIONS IN THE 37-40 GHz PROCEEDING (ET DOCKET NO. 95-183)

THE 37-40 GHz BAND SHOULD BE:

- CONTROLLED BY MARKET FORCES AND NOT GOVERNMENT REGULATION
- ALLOCATED BY AUCTION
- SUBJECT TO MAXIMUM REGULATORY FORBEARANCE
- GRANTED ON AN MTA BASIS PER THE PROPOSED CHANNELIZATION PLAN

WITH RESPECT TO AUCTIONS:

- NO PCS SET ASIDE IS NECESSARY
- SIMULTANEOUS MULTIPLE ROUNDS ARE BEST
- THE UPFRONT PAYMENT MUST BE LOWERED

GIVEN THE COMPETITIVE NATURE OF THE MARKET:

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THE COMMISSION MUST RESOLVE:

- MOTOROLA'S REQUEST THAT FIXED SATELLITE SERVICES SHARE THE BAND WITH FIXED SERVICES PRIOR TO LICENSING THE BAND

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Ex Parte Letter was served via hand delivery on this 3rd day of May, 1996 to the following:

William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

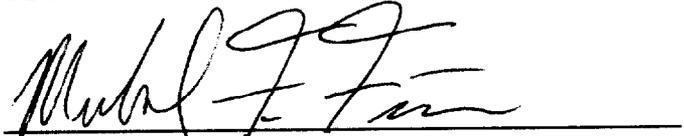
Commissioner Susan Ness
Federal Communications Commission
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Washington, D.C. 20554

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Michael F. Finn

Counsel for Winstar
Communications, Inc.