

EX PARTE PRESENTATION

ORIGINAL

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May 10, 1996

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OUR FILE NO.

25062.74419

VIA MESSENGER

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

Re: Notice of Ex Parte Presentation
ET Docket No. 95-183
RM-8553

Dear Mr. Caton:

On May 9, 1996, representatives of Milliwave Limited Partnership ("Milliwave") held a meeting with Rosalind Allen, Associate Chief of the Wireless Telecommunications Bureau, and D'wana Speight, Legal Advisor in the Wireless Telecommunications Bureau. Representing Milliwave were Thomas Domencich, Alex D. Felker, and Milliwave's undersigned counsel. The purpose of the meeting was to discuss issues raised in the above-referenced rulemaking proceeding. The attached materials were distributed and discussed at the meeting.

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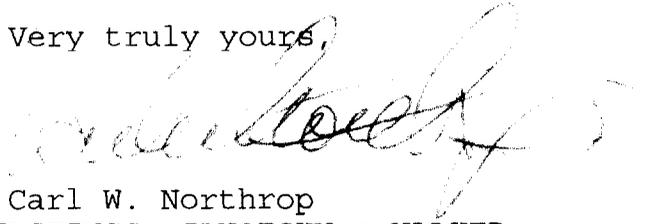
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PAUL, HASTINGS, JANOFSKY & WALKER

Mr. William F. Caton
May 10, 1996
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An original and one copy of this notice are being submitted for inclusion in the docket of this proceeding, pursuant to Section 1.1206(a)(2) of the Commission's rules.

Very truly yours,

A handwritten signature in black ink, appearing to read "Carl W. Northrop", written over the typed name below.

Carl W. Northrop
of PAUL, HASTINGS, JANOFSKY & WALKER

cc: Rosalind Allen, FCC
D'Wana Speight, FCC

Milliwave, L.P.

FCC Meetings

May 9, 1996

Background

- **Milliwave currently holds 88 39 GHz licenses encompassing over 80 of the top 100 MSAs**
- **Principals are experienced and serious**
 - Dennis Patrick
 - Tom Domencich
 - Lex Felker
- **Currently concluding 1st round of venture financing**

Milliwave, L.P.

Summary

- All 37/39 GHz licensees should be treated the same
- Construction rules should be based on “Substantial Service”
- Only minimal technical rules are needed
- Auction rules should follow market needs
- Satellite sharing is problematic

Milliwave, L.P.

All 37/39 GHz Licensees Should be Treated Alike

- There is no policy or legal basis to distinguish between incumbents and auction winners
- All licensees face the same incentive to initiate service, regardless of manner in which license was obtained
- Non-symmetric rules present substantial risk of litigation

Milliwave, L.P.

Construction Requirements Should Be Based on “Substantial Service”

- **Proposed “1 link/10 sq mi” standard would**
 - Eliminate advantages of area-wide licensing
 - Unnecessarily impose a billion dollar obligation on licensees
- **Substantial service**
 - In addition to current requirement
 - Demonstrate at renewal
 - “Safe Harbor” based on fixed number of links/market

Milliwave, L.P.

Only Minimal Technical Rules Are Needed

- **Information density standard**
 - Unnecessary at best
 - Counterproductive at worst
- **Commission should authorize powers greater than 55 dBw in those cases where potentially affected licensees agree**

Milliwave, L.P.

Auction Rules Should Follow Market Requirements

- **Remaining 39 GHz capacity should be auctioned initially in MTA-size allotments**
 - Allows existing licensees to fill out their authorized service areas
 - Aligns 39 GHz and PCS allotments
- **37 GHz capacity should be auctioned in BTA-size allotments**

Milliwave, L.P.

Other Issues

- **Administratively mandated, co-primary satellite/terrestrial sharing is problematic**
 - More study required
- **Pre-existing processing rules should be enforced**
 - Do not penalize applicants who abided by stated filing procedures

Milliwave, L.P.