

WILLKIE FARR & GALLAGHER

DOCKET FILE COPY ORIGINAL

Washington, DC
New York
London
Paris

June 5, 1996

EX PARTE OR LATE FILED

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

RECEIVED

JUN 5 1996

Federal Communications Commission
Office of Secretary

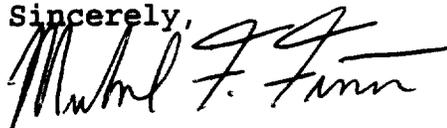
Re: Ex Parte Meetings
ET Docket No. 95-183
RM-8811

Dear Mr. Caton:

Earlier today, representatives of WinStar Communications, Inc. ("WinStar") met with Michele Farquhar, Chief of the Wireless Telecommunications Bureau, her Legal Advisor D'wana Speight, David Horowitz, Deputy Division Chief, Private Wireless Division, and staff attorney Susan Magnotti, to discuss issues raised in the initial comments and reply comments filed in the above-referenced proceeding. Representatives of WinStar included Leo I. George, Joseph M. Sandri, Jr., Philip L. Verveer, and the undersigned.

During the meeting, 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. A copy of the summary is attached.

Sincerely,



Michael F. Finn

Attachments

0007964.01

No. of Copies rec'd 022
List ABCDE

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

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