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September 23, 1996

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

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FEDERAL COMMUNICATIONS COMMISSION
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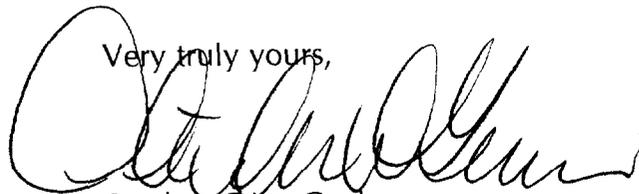
Re: ***Ex Parte Presentation***
ET Docket 95-183 and PP Docket No. 95-183

Dear Mr. Caton:

Pursuant to Section 1.1206(2) of the Commission's Rules, I have attached a summary of an *ex parte* presentation made on behalf of Commco, L.L.C. ("Commco") in connection with ET Docket No. 95-183 and PP Docket No. 95-183, which occurred in a meeting among Chairman Hundt and Commco's representatives on Wednesday, September 18, 1996. This notice would have been filed sooner but for the unavailability of the undersigned in order to defend a deposition on Thursday and Friday of last week.

If you have any questions about this matter, please call me at (202) 457-6340.

Very truly yours,



Stephen Diaz Gavin

Attachment

cc: The Honorable Reed Hundt
Michelle Farquhar, Esquire
D'Wana Speith, Esquire
David Horowitz, Esquire
Mr. Scott Reardon
Lanny J. Davis, Esquire
Lou Gurman, Esquire

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

DOCKET FILE NO. 95-183

TO: Federal Communications Commission
FROM: Stephen Diaz Gavin
Counsel to Commco, L.L.C.
RE: Ex Parte Presentation
ET Docket 95-183 and PP Docket No. 95-183
DATE: September 23, 1996

On Wednesday, September 18, 1996, I and two other representatives of Commco, L.L.C. ("Commco"), Lanny J. Davis and Scott Reardon, met with Chairman Reed Hundt regarding the pending freeze in the processing of applications in the 39 GHz band of frequencies, which the Commission imposed in its *Notice of Proposed Rulemaking and Order*, FCC 95-500, released December 15, 1995, in ET Docket 95-183 and PP Docket No. 95-183 (the "Order").

Mr. Davis and I are partners in the law firm of Patton Boggs, L.L.P., Washington, D.C., which is representing Commco before the Commission in connection with certain matters related to the *Order*. Mr. Reardon is a principal of one of the members of Commco. In addition to Chairman Hundt, Ms. Jennifer Warren, then of the Wireless Bureau, attended the meeting.

Commco's representatives reiterated the certain legal arguments regarding retroactive reach of the *Order*, restated the equities supporting the lifting of the freeze on applications amended as of December 15, 1995 to remove frequency conflicts, and discussed the financial impact on Commco and similarly-situated applicants of further delay in not acting to remove the retroactive aspect of the *Order*.

In addition, the parties to the meeting discussed the factual background surrounding the preparation and filing of amendments to Commco's 39 GHz applications. Commco undertook that it will supplement the record regarding the factual background of the amendments.