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October 22, 1996

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OCT 22 1996

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

Dear Mr. Caton:

Re: Notice of Ex Parte Presentation
ET Docket No. 95-183 and RM-8811

Dear Mr. Caton:

Yesterday, representatives of WinStar Communications, Inc. ("WinStar") met with Robert McNamara, David Horowitz, Robert James, and Susan Magnotti to discuss issues raised in the above-referenced proceedings. Representatives of WinStar included Joe Sandri, Phil Verveer, Jack Dicks, and the undersigned.

During the meeting, WinStar discussed its positions in the above-captioned proceedings. WinStar also commented specifically on the documents submitted in conjunction with Motorola Satellite Communications, Inc.'s ex parte letter of October 10, 1996. The attached document provides a summary of the items discussed by WinStar.

Sincerely,

Michael F. Finn

Michael F. Finn

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List ABCDE

cc: Robert McNamara
David Horowitz
Robert James
Susan Magnotti

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WINSTAR COMMUNICATIONS, INC.
EX PARTE MEETING OF OCTOBER 21, 1996

WINSTAR COMMUNICATIONS, INC:

- OPERATES A WIRELESS COMMON CARRIER SERVICE IN THE 38.6-40.0 GHZ BAND
- IS CERTIFICATED AS A WIRELESS COMPETITIVE ACCESS PROVIDER ("CAP") IN TWENTY-SEVEN STATES AND IS SEEKING AUTHORITY IN NUMEROUS OTHER STATES
- IS CERTIFICATED AS A WIRELESS COMPETITIVE LOCAL EXCHANGE CARRIER ("CLEC") IN ELEVEN STATES AND IS SEEKING AUTHORITY IN NUMEROUS OTHER STATES

ENGINEERING STUDIES DEMONSTRATE THAT:

- SHARING IS NOT FEASIBLE BETWEEN TERRESTRIAL AND SATELLITE SERVICES IN THE 37-40 GHZ BAND
- MOTOROLA'S PROPOSAL WOULD IMPOSE LARGE "DEAD ZONES" IN TERRESTRIAL LICENSEES' COVERAGE AREAS
- SUCH DEAD ZONES WOULD REMAIN OF SIGNIFICANT SIZE EVEN IF POWER CONTROL MECHANISMS WERE ADOPTED
- OTHER INTERFERENCE ISSUES ALSO EXIST

BAND SEGMENTATION IS A VIABLE OPTION:

- THE 38.6-40.0 GHZ BAND MUST BE DEVOTED EXCLUSIVELY TO TERRESTRIAL LICENSEES
- BAND SEGMENTATION ALLOWS BOTH FS AND FSS SERVICES TO OPERATE HARMONIOUSLY

MOTOROLA'S DEMAND THAT TERRESTRIAL LICENSEES BE EVICTED FROM THE 38.6-40.0 GHZ BAND MUST BE REJECTED OUTRIGHT

- WINSTAR AND OTHER 38 GHZ LICENSEES ARE OPERATING AND PROVIDING SERVICE IN THE 38.6-40.0 GHZ BAND