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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 3, 1997

VIA HAND DELIVERY

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation; ET Docket No. 95-183; IB Docket No. 97-95; CC Docket No. 96-98; CC Docket No. 95-184; CCBPol 97-9

Dear Ms. Salas:

On December 2, 1997, Barry Ohlson and I, both of WinStar Communications (WinStar), met with Sandeep Taxali and Alexander Byron of the Wireless Telecommunications Bureau. During the meeting, we raised positions already set forth in WinStar filings in each of the above-captioned proceedings. Pursuant to Section 1.1206(a) of the FCC's rules, 47 C.F.R. § 1.1206(a), we are filing with the Secretary an original and three copies of this notice of ex parte presentation and our agenda from the meeting.

Should there be any questions regarding the above, please do not hesitate to contact the undersigned at 202-833-5678.

Very truly yours,

Joseph M. Sandri, Jr..
AVP and
Regulatory Counsel

Enclosure

cc: Sandeep Taxali (Wireless Telecommunications Bureau)
Alexander Byron (Wireless Telecommunications Bureau)

A Winstar Communications Company

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December 2, 1997
WinStar Communications, Inc./Wireless Telecommunications Bureau
Joseph M. Sandri, Jr.

1. Introduction to WinStar Communications, Inc.
   - 38 GHz licenses
     -189 *area* licenses, each covering up to 10,000 square miles
     -licenses in the top 50 U.S. cities
   - Hub Networks attached to Lucent Class 5 Switches
     -Deploy in 20 top cities by March 1998 and in the top 42 cities by the year 2000
   - Interconnection Agreements Completed
     -RBOCs, GTE, Sprint, major independent LECs
   - CLEC Authority - 29 jurisdictions; CAP Authority - 38 jurisdictions
   - IXC Authority - 47 jurisdictions

2. *39 GHz Order* (ET Docket No. 95-183)
   - Clarified Service Rules for 38.6-40.0 GHz operation
   - Set stage for auction of remaining 38.6-40.0 GHz spectrum
   - Outstanding applications to be processed prior to auction

3. The Telecommunications Act of 1996 was crafted precisely for companies like WinStar
   - Premature RBOC entry into in-region long distance would devastate local competition;
   - No RBOC in the country can currently satisfy all of the 271 checklist requirements.

4. Satellite Encroachment
   - Engineering studies clearly prove that ubiquitous satellite systems cannot economically or feasibly share the same spectrum with high density fixed services;
   - In both a Report and Order in ET Docket No. 95-183 (*39 GHz Rulemaking*) and a Notice of Proposed Rulemaking in Docket No. 97-95 (*36-51 GHz Band Plan*) the FCC identified band segmentation as the solution to disbursement of the millimeter wave bands and 38.6-40.0 GHz was identified as being protected for terrestrial (fixed service) licensees;
   - Motorola, Hughes, TRW and 4 other satellite companies have filed applications seeking use of all or some of the 38.6-40.0 GHz band;

5. Non-Discriminatory Access to Customers via Building Rooftops, Inside Wire and Rights-of-Way is essential to the success of Wireless CLECs.
   - Large-scale Competitive Telecommunications Networks Are Stopped at the last "100 feet";
   - Building owners hold virtual monopoly control over tenant access to competitive telecommunications providers;
   - Price gouging and obstruction by building owners commonplace;
   - Incumbent LECs often pay nothing for building/customer access;
   - Federal solution needed
   - LMDS success is also tied to building/customer access

6. City and Municipal Franchise Requirements are being Applied in a Discriminatory Manner to Wireless CLECs.
   - Wireless CLECs do not place facilities in the public rights-of-way;
   - Municipalities require franchises even where public rights-of-way are not being used;
   - Municipal authority over 911 service is being leveraged by cities to require Wireless CLECs to enter into franchise agreements;
   - Municipalities that lack taxation authority cannot levy a tax under the guise of a franchise;
   - Franchise fees often bear no relation to the value or amount of the use.