

**Before the
Federal Communications Commission
Washington, DC 20554**

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In the Matter of)	
Promoting Efficient Use of Spectrum Through)	WT Docket No. 00-230
Elimination of Barriers to the Development of)	
Secondary Markets)	
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COMMENTS OF WINSTAR COMMUNICATIONS, LLC

Winstar Communications, LLC

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December 5, 2003

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On behalf of Winstar Communications, LLC, an IDT Company, (hereinafter Winstar) please find comments to the Further Notice of Proposed Rulemaking¹ (FNPRM) in the above-reference proceeding.

I. Introduction

Winstar holds numerous Federal Communications Commission (FCC) licenses in multiple bands including 11GHz, 18GHz, 23GHz, 28-31GHz and 39GHz. Winstar agrees that the Secondary Markets' proceeding will help meet the Commission's expressed goals such as, encouraging broadband development, promoting competition and enhancing economic opportunities.² Additionally, Winstar would like to encourage the Commission to continue to prevent the consideration of the instant FNPRM from effectively delaying any practical implementation of the existing lease rules on January 26, 2004.³

¹ *In re* Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No. 00-230 (2003) [hereinafter FNPRM].

² *See id.* at para. 2.

II. Comments

A. Forbearance

Winstar supports the FCC forbearing from requiring prior Commission approval from as large a group as possible of spectrum leases that involve a transfer of de facto control to the lessee.⁴

B. Third-Party “Clearinghouses” and “Market Makers”

Undoubtedly third parties will develop methods to cull the information from the FCC Public Notice and ULS and provide that information to customers in a predetermined or customizable way. This is not unlike the parties that currently distribute FCC releases in paper or electronic format in conjunction with third party articles or organic analysis. As the market-driven “clearinghouse” information distribution process develops the FCC should establish a method for regularly inquiring as to whether it is releasing enough properly formatted information. In general, Winstar asks the Commission to remain mindful that any overly detailed information submission requirements placed on lessors and lessees may serve to shackle or slow down the commercial spectrum leasing markets.

With regard to the development of market makers, Winstar is aware of several entities that seek to provide market maker services. Winstar supports the Commission’s interest in fertilizing additional market maker development and believes that for the next three years the FCC, in conjunction with the National Telecommunications and Information Administration, should host an annual Spectrum Market Makers Conference.

C. Extend Leasing to Other Spectrum Services

Winstar believes that the Commission has set forth a viable secondary spectrum market model for the services outlined in the Report and Order.⁵ In addition, Winstar believes that the Commission should extend the opportunity for secondary markets in the following services discussed in the Further Notice; Maritime Services, Aviation Services and Amateur Radio

³ See Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, 68 Fed. Reg. 66,252 (Nov. 25, 2003) (to be codified at 47 C.F.R. pts. 1 and 27).

⁴ See FNPRM at paras. 246-265.

⁵ See *id.* at Appendix B, p. 2 §1.948.

Service, Industrial/Business Radio, Non-multilateration LMS, Instructional Television Fixed Service, Multipoint Distribution Service, Cable Television Relay Service, Multichannel Video Distribution and Data Service, 700MHz Guard Band Managers and Satellite Services.⁶

However, Winstar does not believe the public interest would be served by extending secondary market opportunities to the Public Safety Services.⁷

III. Conclusion

Winstar appreciates the Commission's work in the Secondary Spectrum Market arena. In conclusion Winstar asks the Commission to consider its comments and encourages the Commission to act within the proceeding's deadline and move swiftly ahead with this proceeding.

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⁶ See *id.* at paras. 288-314.

⁷ See *id.* at paras 289-292.