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July 14, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

HAND DELIVER

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

Re: PP Docket No. 93-253; GEN Dkt. No. 90-314; GEN Dkt. No. 93-252
Ex Parte Presentation

Dear Mr. Caton:

Pursuant to Section 1.1206 of the Commission's Rules, this letter is to advise you that Mark Tauber, of Piper & Marbury L.L.P., and I had a telephone conference call with Lisa Smith, Legal Advisor to Commissioner Barrett. During the call, we discussed Omnipoint's position on the issues raised by the Further Notice of Proposed Rulemaking, released June 23, 1995, as articulated in Omnipoint's comments filed in the above-referenced dockets on July 7, 1995. We also expressed our view that large, non-qualified entities could establish "front" applicants with the proposed expansion of the "49% equity exception," despite the Commission's affiliation rules and audit procedures, which would threaten the very purpose of the Entrepreneur's Band.

We expressed our support for the alternative to the proposed extension of the "49% equity exception" that would permit applicants to enter the auction under the "49% equity exception" but then require any auction winners to conform to the "25% equity exception" within a set period of time after the auction. As another alternative to the "49% equity option" available to all entrepreneurs, we proposed to Ms. Smith that the Commission permit all applicants to qualify only under the "25% equity option," but allow minority- and women-owned applicants to offer options of an additional 24% to large non-qualifying investors. The Commission could then proceed with the auction and

concurrently make the showing necessary to meet the "strict scrutiny" standard; once that showing has been made, the 24% option could be exercised. In this way, existing deals would not be materially jeopardized.

In accordance with the Commission's rules, I hereby submit one original and five copies of this letter, for inclusion in each of the above-referenced dockets.

Sincerely,

Mark J. O'Connor
Counsel for Omnipoint Corporation

cc: Lisa Smith