

WILLKIE FARR & GALLAGHER

Washington, DC  
New York  
London  
Paris

October 22, 1996

RECEIVED

OCT 22 1996

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

RECEIVED  
FEDERAL COMMUNICATIONS COMMISSION  
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

No. of Copies rec'd  
List ABCDE

*0+2*

cc: Robert McNamara  
David Horowitz  
Robert James  
Susan Magnotti

Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20036-3384  
202 328 8000

Telex: RCA 229800  
WU 89-2762  
Fax: 202 887 8979

**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