



Federal Communications Commission
Washington, D.C. 20554

APR 11 1997

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GEN Docket No. 90-314

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APR 15 1997

Federal Communications Commission
Office of Secretary

Ms. Veronica M. Ahern, Esq.
Nixon, Hargrave, Devans & Doyle LLP
Suite 700
One Thomas Circle
Washington, DC 20005-5802

Re: QUALCOMM Incorporated Pioneer's Preference Application

Dear Ms Ahern:

This is in response to your letter of April 7, 1997 requesting a meeting to discuss the merits of QUALCOMM Incorporated's pending application for a pioneer's preference in the broadband Personal Communications Service.

You requested the above-mentioned meeting because of concerns raised by an article which appeared in the April 7 issue of wireless World in which a Commission staff member is quoted as saying resolution of the matter may take "a year or two". The Office of Engineering and Technology (OET) is currently actively working on an item addressing the Court of Appeals decision remanding to the Commission the matter of QUALCOMM's entitlement to a pioneer's preference and expects to be in a position to present this item to the full Commission for consideration within the next few months. Thus, as the penultimate sentence of the article states, Commission action can be anticipated "by summer."

I trust that this response satisfies any concerns the Wireless Week article may have raised.

Sincerely,

Richard M. Smith
Chief
Office of Engineering and Technology

cc: All Parties of Record

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GEN Docket No 96-319

April 7, 1997

Mr. Richard Smith
Chief
Office of Engineering and Technology
Federal Communications Commission
2000 M Street, N.W.
Room 480
Washington, DC 20554

RE: QUALCOMM Incorporated
Pioneer's Preference Application

Dear Mr. Smith:

QUALCOMM, Incorporated, by its attorneys, hereby requests a meeting to discuss the merits of QUALCOMM's pending request for a pioneer's preference in the Personal Communications Service.

The Court of Appeals decision remanding this matter to the Commission was issued over three months ago. The Commission solicited comments from interested parties. Only three parties, other than QUALCOMM, responded and none of the three opposed or even addressed the merits of QUALCOMM's application. Indeed, the only remaining party that had formerly opposed QUALCOMM's application indicated that it now had no objections to its grant. The other two commenters appear primarily concerned with remedy in the event of grant.

In these circumstances, it is appropriate for the Commission to be considering the merits of QUALCOMM's application in an expeditious manner. QUALCOMM is unfairly harmed by each day of delay. We are particularly concerned with the report in the April 7 issue of Wireless Week in which a Commission staff member is quoted as saying resolution of this matter may take "a year or two". A

Nixon, Hargrave, Devans & Doyle LLP

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delay of this long when the QUALCOMM application is unopposed is unconscionable. In this regard, on April 3, 1997 the Court of Appeals cleared the way for prompt Commission action by denying an outstanding Petition for Rehearing of the Court's January 7 decision.

To speed the process, QUALCOMM would like to meet with the OET staff for the purpose of answering any questions the staff may have concerning QUALCOMM's preference request and generally discussing its attributes.

Of course all of the parties to the proceeding would be invited to this meeting and can decide whether to attend.

We urge your prompt consideration of this request. The period for public comment is closed and the merits of the QUALCOMM request are squarely before the Commission. It is unfair to delay any further.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Veronica M. Ahern", followed by a stylized flourish or set of initials.

Veronica M. Ahern

cc: All Parties of Record

CERTIFICATE OF SERVICE

I, Gail M. Mullen, do hereby certify that a copy of the foregoing Response of QUALCOMM Incorporated, was sent by first class United States mail, postage prepaid, or by hand delivery or facsimile where indicated by an asterisk (*), this 7th day of April, 1997 to the following:

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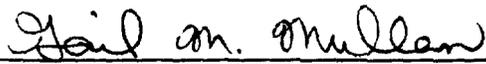
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