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October 1, 1997

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

92-2371

Re: Ex Parte Presentation  
CC Dkt. No.s 96-98, 97-237

Dear Mr Caton:

Attached hereto please find four copies of a written *ex parte* letter presentation of Omnipoint Communications, Inc. for inclusion in the above-referenced dockets. Should you have any questions concerning this matter, please feel free to contact the undersigned.

Sincerely,

  
Mark J. O'Connor

Enclosures

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October 1, 1997

HAND DELIVERY

Richard Metzger  
Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 500  
Washington, D.C. 20554

Re: Ex Parte Presentation  
Pennsylvania PUC NPA Overlay  
CC Dkt. Nos. 96-98, 92-237  
Omnipoint Proposal for an Expanded Overlay

Dear Mr. Metzger:

On behalf of Omnipoint Communications, Inc. ("Omnipoint"),<sup>1</sup> we submit this letter to suggest a viable solution to the difficulty that many wireless carriers find with the Pennsylvania PUC's plan for a "transparent" NPA overlay. As a broadband PCS licensee in several Pennsylvania markets, including Philadelphia, Omnipoint believes that the availability of functional numbering resources is critical for wireless deployment in Pennsylvania, and throughout the country. In Omnipoint's view, an overlay NPA

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<sup>1</sup> Omnipoint and its affiliates hold several FCC broadband PCS licenses in Pennsylvania, including the Philadelphia, PA BTA Block C license and the New York MTA Block A license, which includes Northeastern Pennsylvania. Therefore, Omnipoint will be critically disadvantaged if the Commission adopts the Pennsylvania plan, as currently drafted.

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covering multiple BTAs that is equally available to all telecommunications carriers, including wireless carriers, holds significant promise.

Omnipoint's proposal for a multi-BTA overlay ("Expanded Overlay") has been scrutinized by the telecommunications industry at the Carrier Liaison Committee's Ad Hoc group addressing short term numbering relief and has been recommended to the North American Numbering Council as one of several options that would achieve the Commission's number relief goals.<sup>2</sup> With such an overlay, wireless carriers -- that would be otherwise severely disadvantaged by Pennsylvania's transparent NPA -- can gain access to sufficient and timely numbering resources. Likewise, the Expanded Overlay would afford wireline carriers the opportunity to deploy services with numbers that do not require a "local" NPA. Thus, the Expanded Overlay would address the market strategies and customer needs of both wireless and wireline carriers.

Omnipoint respectfully suggests that the Commission evaluate the merits of such an Expanded Overlay solution in the context of its consideration of the Pennsylvania plan. For example, the Commission could approve the Pennsylvania plan and, as part of that approval, direct the North American Numbering Council to implement a voluntary Expanded Overlay, on an expedited time frame.<sup>3</sup>

Adoption of the Expanded Overlay plan is likely to yield several compelling pro-competitive benefits. A voluntary Expanded Overlay scheme would allocate number resources more efficiently, would facilitate the entry of competition into the local

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<sup>2</sup> In addition, Omnipoint urged the Commission to reconsider its decision to delegate all relief planning to the States, and to adopt substantially the same voluntary Expanded Overlay when it reconsiders the Second Report and Order and Memorandum Opinion and Order, FCC 96-333 (rel. Aug. 8, 1996) ("Second R & O"). Omnipoint Communications, Inc., "Petition for Reconsideration and Clarification," CC Dkt. No. 96-98, et al. (filed Oct. 7, 1996).

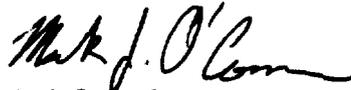
<sup>3</sup> Omnipoint is willing to accept the responsibilities of administering the Expanded Overlay.

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communications marketplace, and would not be discriminatory to any particular service or technology.<sup>4</sup>

We appreciate your careful consideration of Omnipoint's proposal. We also request to meet with you and the Bureau staff in the near future to further discuss this critical numbering resource issue. In accordance with the Commission's ex parte rules, four copies of this letter will be submitted this day to the Secretary's Office for inclusion in the above-referenced dockets.

Sincerely,



Mark J. Tauber  
Mark J. O'Connor  
Counsel for Omnipoint  
Communications, Inc.

/mjo

cc: Geraldine Matisse (CCB)  
Marian Gordon (CCB)  
Erin Duffy (CCB)

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<sup>4</sup> If an Expanded Overlay is adopted along with Pennsylvania's transparent overlay, no carrier would be subject to discriminatory ten-digit dialing. Thus, the Expanded Overlay would avoid the need for mandatory ten-digit dialing, to the benefit of Pennsylvania consumers. C.f., Second R & O at ¶ 287 (Commission imposes mandatory 10-digit dialing for overlay plans in order to prevent dialing disparity and discrimination against newer carriers allocated the overlay numbers).