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January 21, 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

ORIGINAL

Re: Notice of Ex Parte Communication;
Broadband PCS C and F Block Installment
Payment Restructuring; WT Docket No. 97-82

Dear Ms. Salas:

Attached is a document, "Chronology of Key Events Related to the Creation and Licensing of C Block," that NextWave Telecom Inc. respectfully requests be entered into the above-captioned docket. This factual chronology illustrates that the C block's history has been one of experimentation and change. The Commission should consider this history in its reconsideration of its October 16, 1997 C block restructuring order.

NextWave Telecom Inc.

In accordance with Section 1.1206 of the Commission's rules, an original and two copies of this filing are being submitted to you today. Please direct any questions concerning this matter to me or Janice Obuchowski at 202-347-2771.

Sincerely,

Charla M. Rath

- cc: John Nakahata
- Mr. Ari Fitzgerald
- Mr. David Siddall
- Mr. Paul Misener
- Mr. Peter Tenhula
- Ms. Karen Gulick
- Mr. Daniel Phythyon
- Mr. James Rubin
- Mr. David Horowitz

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List A B C D E

Chronology of Key Events Related to the Creation and Licensing of C Block

<u>Date</u>	<u>Event</u>
August 1993	Congress adds Section 309(j) to the Communications Act of 1934, authorizing the FCC to conduct spectrum auctions and mandating that designated entities be given the opportunity to participate in the provision of spectrum-based services.
September 1993	FCC adopts PCS allocation and service rules. FCC adopts <i>Notice of Proposed Rulemaking</i> seeking comments on implementation of spectrum auctions.
June 1994	FCC adopts <i>Memorandum Opinion and Order</i> in PCS proceeding modifying PCS allocation.
July 1994	FCC adopts <i>Fifth Report and Order</i> in auction proceeding adopting auction rules for PCS and establishing eligibility criteria for participation in the Entrepreneurs' Block auctions.
August 1994	FCC adopts <i>Second Memorandum Opinion and Order</i> in PCS proceeding, reconsidering the <i>Fifth Report and Order</i> , separating the Entrepreneurs' Block for later reconsideration .
September 1994	FCC issues public notice announcing December 5, 1994 start date for A- and B-block auction.
November 1994	FCC adopts <i>Fifth Memorandum Opinion and Order</i> which modifies eligibility criteria for participation in the Entrepreneurs' Block auctions and affirms that the C and F block auction will be held simultaneously. FCC adopts <i>Memorandum Opinion and Order</i> indicating that it will hold the C and F block auctions separately.
December 5, 1994	A- and B-block auction commences.
December 1994	FCC announces April 17, 1995 or 30 days after the close of the A and B block auction as the beginning of the C block auction.
January 1995	FCC releases <i>Erratum</i> which clarifies a November 1994 modification to the eligibility criteria for participation in the Entrepreneurs' Block auctions.
March 13, 1995	A- and B-block auction closes, establishing April 11 as the start of the C block auction.
March 1995	FCC adopts <i>Memorandum Opinion and Order</i> which modifies eligibility criteria for participation in the Entrepreneurs' Block auctions. U.S. Court of Appeals for the District of Columbia issues stay of C block auction pending completion of judicial review of <i>Telephone Electronics Corp. v. FCC</i> , No. 95-1015 (DC Cir. Mar. 15, 1995).
May 1995	Court stay lifted pursuant to TEC's motion to dismiss. FCC establishes August 2, 1995 as new C-block auction date. Petitions to Stay the A- and B-block auction filed by Communications One, Inc., GO Communications Corporation, the National Association of Black Owned Broadcasters, and the Washington Bureau of the National Association for the Advancement of Colored People.

Date

Event

June 1995	Supreme Court holds in <i>Adarand</i> that “all racial classifications ... must be analyzed by a reviewing court under strict scrutiny” FCC issues public notice suspending the commencement of C-block auction. FCC adopts <i>Further Notice of Proposed Rulemaking</i> proposing to eliminate race- and gender-based provisions of C-block rules, thus modifying the eligibility criteria for participation in the Entrepreneurs’ Block auctions.
June 23, 1996	FCC issues public notice announcing August 29, 1995 as new C-block auction date. 6 weeks after petitioners filed against A and B block high bidders, FCC denies all four petitions, issues <i>Order</i> granting all A- and B-block licenses.
July 1995	FCC adopts <i>Sixth Report and Order</i> modifying eligibility criteria for participation in the Entrepreneurs’ Block auctions in light of the Supreme Court’s <i>Adarand</i> decision.
July 1995	Pursuant to a Motion for Stay filed by Omnipoint Corporation, the U.S. Court of Appeals for the District of Columbia stays portions of <i>Sixth Report and Order</i> relating to the 49 percent equity exception. FCC issues public notice delaying the July 28, 1995 filing deadline.
August 1995	FCC issues public notice delaying indefinitely the commencement of the C-block auction.
September 1995	U.S. Court of Appeals for the District of Columbia dissolves the stay granted to Omnipoint Corporation. FCC issues public notice announcing December 11, 1995 as new C-block auction date.
October 1995	U.S. Court of Appeals for the Sixth Circuit stays auction pursuant to a Motion for Stay filed by Cincinnati Bell, BellSouth, and Radiofone, Inc., regarding cellular-PCS cross ownership rules. Justice Stevens, Circuit Justice for the Sixth Circuit, vacates stay.
November 1995	U.S. Court of Appeals for Sixth Circuit instructs Commission to reconsider PCS-cellular cross ownership rules. FCC issues public notice reiterating that C-block auction will begin on December 11, 1995. Government-wide shutdown resulting from lapse in appropriations delays auction. FCC issues public notice announcing December 18, 1995 as new C-block auction date as a result of government shutdown.

Date

Event

December 18, 1995	C-block auction begins.
January 8-16, 1996	Severe weather in the Washington, D.C. area forces FCC to suspend bidding.
May 6, 1996	C-block auction closes.
May 15, 1996	C-block down payment due date; BDPCS defaults on payment.
May 22, 1996	Form 600 filing deadline for high bidders in C-block.
May 30, 1997	FCC issues public notice announcing July 3, 1996 as the C-block re-auction date.
July 1996	Petitions to Deny filed against five C-block high bidders.
	FCC adopts new financial terms for F block installment payments.
July 3, 1996	FCC begins re-auction of C-block licenses.
July 16, 1996	C-block re-auction closes.
August 26, 1996	D, E, and F block auction begins.
September 1996	FCC grants C block licenses to non-contested bidders and indicates that licensees will have to sign security notes and agreements.
	Congress legislates WCS auction and mandates that the FCC adopt service rules and begin the auction by April 15, 1997.
September 24, 1996	2 nd downpayment due for uncontested licenses; several potential licensees are late or send incorrect amounts.
November 1996	FCC grants Pocket (DCR) licenses.
January 1997	FCC conditionally grants NextWave licenses.
	FCC grants PCS 2000 (Clearcomm) licenses.
	D, E, and F block auction closes with an average high net bid for F block of \$2.51/pop.
February 1997	FCC releases <i>Memorandum Opinion and Order</i> conditionally granting NextWave's licenses.
	FCC grants GWI licenses.
March 1997	The only publicly traded C block company, Omnipoint, stock price fall to a below of \$10/share from a November 1996 high of \$35.
	Federal Reserve announces interest rate increase, delaying several high yield offerings for both large and small telecommunications companies.
March 31, 1997	FCC suspends C and F block interest payments indefinitely.
April 1997	Pocket files for Chapter 11 bankruptcy.
April 6, 1997	FCC releases last licensing order for C Block licenses, granting GWI licenses.
June 1997	FCC issues public notice regarding the restructuring of C- and F-block installment payments.
	FCC holds public forum on C block financing issues.
September 25, 1997	FCC adopts C block restructuring order.
October 16, 1997	FCC releases C block restructuring order.
December 24, 1997	FCC reverses Bureau and waives payment rules for Carolina PCS.
December 31, 1997	FCC adopts new Part 1 changing C block payment terms.