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January 28, 1998

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

HAND DELIVERY

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

Re: Ex Parte Presentation  
WT Dkt. No. 97-82

Dear Ms. Salas:

This letter is to notify you that, on January 27, 1998, Douglas Smith, Shannon Caldwell, Mark Tauber and I met with Kathleen Ham, David Shiffrin, James Rubin, Rachael Kazan, and Laura Smith of the Wireless Telecommunications Bureau. During the meeting, we presented Omnipoint's positions on the C Block reconsideration proceeding, as stated in Omnipoint's Petition, Opposition, and Reply in the above-captioned docket, and as summarized in the attached talking points. A copy of the attached talking points was also provided to Commission staff during the meeting.

An original and one copy of this letter is transmitted herewith for inclusion in the above-referenced docket. Should you have any questions concerning this matter, please feel free to contact the undersigned.

Sincerely,



Mark J. O'Connor  
Counsel for Omnipoint Corporation

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cc: Kathleen Ham  
David Shiffrin  
James Rubin  
Rachael Kazan  
Laura Smith

**Omnipoint Corporation**

*Ex Parte* Presentation

WT Dkt. No. 97-82

January 27, 1998

**C BLOCK RECONSIDERATION**

- *Clarify* that the "Built-Out" exception permits disaggregation. The current Built-Out exception provides no relief for the specific BTA licenses that have met the Built Out test, and actually entraps small businesses that have worked to bring service to the public. Such operators should have the same effective opportunities for disaggregation as all other Block C licensees.
- *Eliminate* the current Prepayment Option because it amounts to nothing other than an opportunity for a handful of the largest bidders to "cherry-pick" licenses with their deposits banked at the Commission. This option discriminates against all other bidders who would have had no way of knowing that this was a possibility during the auction.
- If the Prepayment Option is retained, *modify* the Prepayment and Disaggregation Options so that licensees receive the same credit, if any, on their Block C down payment.
- *Modify* the election procedures so that the parties that control the scope of the re-auction must make an election first. As discussed in Omnipoint's Petition and below, the current single-day election puts all other Block C licensees at a disadvantage vis-a-vis NextWave, due to NextWave's extraordinary dominance of the initial Block C auction. A staggered election will provide all parties a "level playing field," and prevent Nextwave from "gaming" the reauction.
- *Provide* all three relief options for entrepreneurs that won licenses in the Block D, E, and F auction.
- *Reduce* the uncertainties for small businesses by resolving several issues, including the Commission's position on bankruptcy and coordination with other federal agencies (e.g., DoJ, GAO) on the process of debt forgiveness.