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February 2, 1998

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 Douglas Smith, Mark Tauber and I met today with Commissioner Susan Ness and David Siddall, legal advisor to Commissioner Ness. During the meeting, Omnipoint presented its position on the C Block debt restructuring reconsideration proceeding, focusing on the first two issues of the attached talking points. In Omnipoint's view, the prepayment option should be eliminated because it permits the largest C Block bidder to unilaterally choose which market will not be available for reauction. In addition, as Omnipoint presented in its reconsideration petition, licensees should be permitted to elect the disaggregation option for an MTA when one or more of its licenses in that MTA meet the "built-out" test. A copy of the attached talking points was provided to Mr. Siddall during the meeting.

An original and one copy of this letter is transmitted herewith for inclusion in the

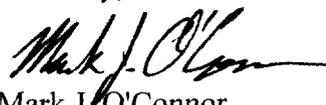
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above-referenced docket. Should you have any questions concerning this matter, please feel free to contact the undersigned.

Sincerely,



Mark J. O'Connor
Counsel for Omnipoint Corporation

cc: Commissioner Susan Ness
David Siddall

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 coordination with other federal agencies (e.g., DoJ, GAO) on the process of debt forgiveness.