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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 Presentations  
WT Dkt. No. 97-82

Dear Ms. Salas:

This letter is to notify you that Douglas Smith and I met on Friday, January 30, with Paul Misener, legal advisor to Commissioner Furchgott-Roth. During the meeting we presented Omnipoint's positions on the C Block debt restructuring and the reconsideration proceeding, as stated in Omnipoint's prior pleadings in the above-captioned docket, including some of the issues raised in the attached talking points. A copy of the attached talking points was also provided to Mr. Misener during the meeting. Later that same day, Douglas Smith, Mark Tauber and I met with Ari Fitzgerald, legal advisor to Chairman Kennard, and with James Rubin, of the Wireless Telecommunications Bureau. During that meeting, Omnipoint presented its position on the C Block debt restructuring reconsideration proceeding, including some of the issues in the attached talking points. A copy of the attached talking points was provided to Mr. Fitzgerald and Mr. Rubin during the meeting.

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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

cc: Paul Misener  
Ari Fitzgerald  
James Rubin

**Omnipoint Corporation**

*Ex Parte* Presentation

WT Dkt. No. 97-82

January 30, 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 coordination with other federal agencies (e.g., DoJ, GAO) on the process of debt forgiveness.