

February 19, 1999

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street  
Washington, DC 20554

**Ex Parte** Re: CC Docket No. 91-142; Application of Bravo Cellular, L.L.C.  
(File No. 10673-CL-P-579A-89), et al.

Dear Ms. Salas:

On February 3, 1999, the Federal Communications Commission (“FCC” or “Commission”) issued a letter finding that communications held by GTE with Wilbert Nixon of the Wireless Telecommunications Bureau (“Bureau”), Commercial Wireless Division constituted an *ex parte* communication that must be disclosed to the parties in the above-captioned proceeding.<sup>1</sup> As directed in that letter, this letter shall serve as notification that in early November 1998, the undersigned met with Mr. Nixon. On behalf of GTE Wireless Incorporated (“GTE”), the undersigned inquired about the status of the Bureau’s response to GTE’s June 29, 1998 letter requesting for clarification and guidance regarding its interim operating authority duties.<sup>2</sup>

On May 6, 1998, Castle Trust, Orbit Cellular, RSA Cellular Partners, Schykill Mobile Fone, Inc., B. Scott Reardon III, Skyline Cellular Partners, Sunrise Trust and Walker

---

<sup>1</sup> Letter from John Riffer, Assistant General Counsel, Administrative Law Division, to Andre J. Lachance, GTE Service Corporation, dated February 3, 1999.

<sup>2</sup> *Ex Parte* Letter from Andre J. Lachance, GTE Service Corp., to Dan Phythyon, Chief, Wireless Telecommunications Bureau, FCC, filed June 29, 1998 (requesting for clarification of GTE’s interim operating authority duties in light of the Rescission Request filed by Castle Trust, Orbit Cellular, RSA Cellular Partners, Schykill Mobile Fone, Inc., B. Scott Reardon III, Skyline Cellular Partners, Sunrise Trust and Walker Trust (footnote 2, *infra*) regarding Market 579, North Carolina 15 and Market 631, South Carolina 7).

Trust filed a request for rescission of authorization in the above captioned proceeding.<sup>3</sup> The undersigned did not discuss the merits of this rescission request or the merits of the underlying licensing proceeding during the ex parte communication with Mr. Nixon. Instead, the undersigned asked Mr. Nixon about the status of the Bureau's response to GTE's letter. GTE expressed to Mr. Nixon that negotiations between GTE and one of the putative permanent licensees being challenged (Bravo Cellular) were at a standstill while GTE awaited Bureau clarification of GTE's interim operating authority obligations. GTE informed Mr. Nixon that a prompt decision on GTE's clarification request could therefore help to avoid future disputes between Bravo Cellular and GTE.<sup>4</sup>

Please include a copy of this notification into the record of this proceeding in accordance with Section 1.1206 of the Commission's rules concerning ex parte communications. If there are, any questions regarding this matter please contact the undersigned.

Respectfully submitted,

May Y. Chan  
Director – Regulatory Matters

c: Attached List

---

<sup>3</sup> In Re Applications of BRAVO CELLULAR For facilities in the Domestic Public Cellular Telecommunications Radio Service on Frequency Block A, in Market 579, North Carolina 15 – Cabarrus, File No. 10673-CL-P-579-A-89; CENTAUR PARTNERSHIP For facilities in the Domestic Public Cellular Telecommunications Radio Service on Frequency Block A, in Market 631, South Carolina 7 – Calhoun, File No. 10720-CL-P-631-A-89; EJM CELLULAR PARTNERS For facilities in the Domestic Public Cellular Telecommunications Radio Service on Frequency Block A, in Market 721, Wyoming 4 – Niobrara, File No. 10116-CL-P-721-A-89; EJM CELLULAR PARTNERS For facilities in the Domestic Public Cellular Telecommunications Radio Service on Frequency Block A, in Market 596, Oklahoma 1 – Cimarron, File No. 10567-CL-P-596-A-89, Request of Rescission of Authorization, filed May 6, 1998.

<sup>4</sup> GTE notes that the Commission based its determination that GTE's communication to Mr. Nixon constituted an ex parte communication on a finding that GTE "provided a reason why the application proceeding should be expedited . . ." Contrary to this finding, however, and as demonstrated above, GTE only requested that the Bureau expedite its deliberation of GTE's request for a clarification of GTE's interim operating authority duties. GTE did not request an expedited decision in (or discuss in any way) the underlying license application proceeding. Notwithstanding the Commission's confusion on this point, GTE is complying with the Commission's request in an effort to dispose of the matter without further deliberations.

Certificate of Service

Barry Gottfried  
Fisher, Wayland, Cooper Leader & Zaragoza  
2001 Pennsylvania Avenue, NW  
Suite 400  
Washington, DC 20006

Eliot Greenwald  
Swidler & Berlin  
3000 K Street, NW  
Suite 300  
Washington, DC 20007

David Hill  
O'Connor & Hannon, L.L.P.  
1919 Pennsylvania Avenue, NW  
Suite 800  
Washington, DC 20006

James Ireland, III  
Cole Raywid & Braverman  
1919 Pennsylvania Avenue, NW  
Suite 200  
Washington, DC 20006

Stephen Kaffee  
Brown, Nietart & Kaufman  
1920 N Street, NW  
Suite 660  
Washington, DC 20036

David Kaufman  
Brown, Nietart & Kaufman  
1920 N Street, NW  
Suite 660  
Washington, DC 20036

Alan Naftalin  
Kofeen & Naftlin, L.L.P.  
1150 Connecticut Avenue, NW  
Suite 1000  
Washington, DC 20036

Wilbert Nixon, Jr.  
Federal Communications Commission  
2100 M Street, NW  
Room 700  
Washington, DC 20554

Carl Northrop  
Paul Hastings, Janofsky & Walker  
1299 Pennsylvania Avenue, NW  
Tenth Floor  
Washington, DC 20004

Larry Solomon  
Shook, Hardy & Bacon, L.L.P.  
1850 K Street, NW  
Suite 800  
Washington, DC 20006

Joseph Webber  
Federal Communications Commission – WTB  
1919 M Street, NW  
Room 644  
Washington, DC 20554

William Zimsky  
P.O. Box 3005  
Durango, CO 81302

John P. Bankson, Jr. Esq.  
Drinker, Biddle & Reath, L.L.P.  
901 15th Street, NW  
Suite 900  
Washington, DC 20005-2333

William J. Franklin, Esq.  
William J. Franklin, Chartered  
1200 G Street, NW  
Suite 800  
Washington, DC 20005

Thomas J. Sugrue, Chief  
Federal Communications Commission  
2025 M Street, NW  
Room 5002  
Washington, DC 20554

Louis Gurman, Esq.  
Brenda J. Boykin, Esq.  
Gurman, Blask & Freedman, Chartered  
1400 16th Street, NW  
Suite 500  
Washington, DC 20036

Peter Gutmann, Esq.  
Pepper & Corazzini, L.L.P.  
1776 K Street, NW  
Suite 200  
Washington, DC 20006