

March 15, 1999

**VIA HAND DELIVERY**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. Room TW-A325  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation; CC Docket No. 98-141; CC Docket No. 98-184

Dear Ms. Salas:

On March 4, 1999, at the request of Johnson Garrett of the Office of Plans and Policy, Robert Berger, Barry Ohlson, Stephen Murray and the undersigned on behalf of *WinStar Communications, Inc.* ("WinStar") met with the following Federal Communications Commission personnel: Claire Blue, Michelle Carey, Bill Dever, Jennifer Fabian, Michael Kende, Johanna Mikes, Liz Nightingale, To-Quyen Truong and Audrey Wright of the Common Carrier Bureau; and Patrick DeGraba, Johnson Garrett, Tom Krattenmaker and Marilyn Simon. During the meeting WinStar discussed the issues outlined in the attached agenda. Pursuant to Section 1.1206(a) of the FCC's rules, 47 C.F.R. § 1.1206(a), we are filing with the Secretary an original and 4 copies of this notice of ex parte presentation.

Should there be any questions regarding the above, please do not hesitate to contact the undersigned at 202-833-5678.

Very truly yours,

Joseph M. Sandri, Jr.  
VP & Regulatory Counsel

Enclosure

cc: Claire Blue (w/attachment)  
Michelle Carey (w/attachment)  
Patrick DeGraba (w/attachment)  
Bill Dever (w/attachment)  
Jennifer Fabian (w/attachment)  
Johnson Garrett (w/attachment)  
Michael Kende (w/attachment)  
Tom Krattenmaker (w/attachment)  
Johanna Mikes (w/attachment)  
Liz Nightingale (w/attachment)  
Marilyn Simon (w/attachment)  
To-Quyen Truong (w/attachment)  
Audrey Wright (w/attachment)

March 4, 1999

WinStar Communications, Inc./Federal Communications Commission

1. Introductions

2. Merger Issues

- The Current Incentive Structure is Flawed: Rather than open their networks, the RBOCs currently have every incentive to continue pursuing the dual strategy of conducting *horizontal mergers* and, through *excessive litigation*, opposing the salutary, competitive effects of FCC regulations promulgated pursuant to the Telecommunications Act of 1996.
- Pre-Conditions Are Necessary: Should the FCC be unable to outright deny the mergers, then, as a minimum, *pre-conditions to merger approval* should be set:
  - RBOC Inside Wire: The RBOCs must make available to CLECs all RBOC owned inside wire.
  - RBOC Controlled Rights-of-Way, Easements, Licenses: Facilities-based, state certificated CLECs should be presumed to hold a sub-license allowing them to "stand-in-the-shoes" of the RBOC for purposes of access to RBOC licenses and easements which allow access to rights-of-way, ducts, conduit, risers, etc.
  - Special Access: Loop Pricing Based on a TELRIC Rate. Loops should not be provisioned to CLECs only through UNE/colocation, but through special access under a TELRIC rate.

3. WinStar Deployment Strategy