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March 27, 2000

VIA FACSIMILE AND U.S. MAIL

James D. Schlichting
Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: QUALCOMM Incorporated, WTB Docket No. 99-168, DA 00-219
Ex Parte Communication

Dear Mr. Schlichting:

As you recall, on March 13, 2000, you and several Commission representatives¹ met with Kevin Kelley and me, representing QUALCOMM Incorporated, to discuss ways in which the Commission could satisfy its legal obligation "forthwith" to award QUALCOMM a license for suitable spectrum. One potential alternate resolution discussed was an award of bidding credits to QUALCOMM. During those discussions, QUALCOMM indicated its interest in such an alternate resolution, if the amount of the bidding credits exceeded \$150 million. You stated that the Commission continues to be interested in the bidding credit option, but had yet to consider the appropriate amount. You said you would get back to me about this alternative; however, two weeks have passed and I have yet to hear from you.

Your response to the bidding credit option is made even more important now that the Commission apparently realizes that one of the other options discussed at our March 13, 2000 meeting is unlikely to be available in the foreseeable future. As Chairman Kennard recognized in his March 23, 2000 letter to Congressman Bart Gordon, the legal issues surrounding the status of the C-block licenses held by NextWave (as well as other bankrupt licensees) "are pending before various courts" and it is those courts "which will decide the status of [those] licenses under the applicable law." These are the very same licenses that Commission representatives

¹ The other representatives of the Commission were James Carr, Rodney Small, Blaise Scinto and Walter Strack.

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have suggested be awarded to QUALCOMM. The Chairman's astute analysis of the situation - underscores the inability of the Commission to exercise unfettered control of the C-block licenses so as to be able to award them "forthwith," as required by the Court of Appeals in its *QUALCOMM v FCC* mandate. This realization makes it all the more imperative that the Commission proceed with its consideration of the remaining viable alternatives for satisfying its legal obligations to QUALCOMM.

Therefore, QUALCOMM requests that the Commission respond expeditiously to (1) QUALCOMM's Petition for Declaratory Ruling regarding the 700 MHz Block D licenses in Economic Area Grouping 3, and (2) QUALCOMM's inquiry regarding bidding credits in excess of \$150 million.

Respectfully submitted,



Veronica M. Ahern
Attorney for
QUALCOMM Incorporated

cc: Kevin Kelley
Jonas Niehardt
Tom Sugrue
Ari Fitzgerald