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**MCDERMOTT, WILL & EMERY**

October 3, 2000

**ORIGINAL**

**VIA HAND DELIVERY**

Ms. Magalie R. Salas  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Washington, D.C. 20554

**RECEIVED**

OCT 3 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: *Ex Parte* Presentation; In the Matter of Implementation of  
Sections 309(j) and 337 of the Communications Act of 1934;  
WT Docket No. 99-87**

Dear Ms. Salas:

On October 2, 2000, Carole Harris and Paul Malmud of McDermott, Will & Emery, representing Ameren, Cinergy Corporation, Commonwealth Edison, Entergy Services, and SCANA Corporation, met with Peter Tenhula of the Federal Communications Commission to discuss the above-referenced proceeding. They discussed that: (1) the implementation of mutually exclusive application procedures would violate the Balanced Budget Act of 1997; (2) the radio frequencies used by power utilities should be considered "public service radio services" and are therefore exempt from the auction proceedings, and (3) the FCC should not adopt the band manager proposal.

In accordance with Section 1.1206 of the FCC rules, this original and one copy are provided to your office. A copy of this notice has been hand delivered to Peter Tenhula.

Very truly yours,



Carole C. Harris

Enclosure

cc: Peter Tenhula

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