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February 9, 2001

By Hand Delivery

Ms. Magalie Roman Salas
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Notice; PetroCom License Corporation (2 copies)

Ex Parte Notice; RM-9718 (2 copies)

Dear Ms. Salas:

On February 8, 2001, the undersigned attorneys met with Mr. Bryan Tramont, Senior Legal Advisor to Commissioner Harold Furchtgott-Roth, in support of PetroCom License Corporation's ("PetroCom") two pending applications for review, either one of which would permit PetroCom to continue its "wireless local loop" operations, using Multipoint Distribution Services ("MDS") spectrum, in the Gulf of Mexico.

Also present in support of PetroCom's continued MDS operations were John Payne and George Vourvoulis of PetroCom, and Gordon Rice of Sola Communications, Inc. Counsel for opposing parties Stratos Offshore Services Company, Marc Paul, and Bachow/Coastel Operations, LLC, Steven Hamrick, were also present.

A summary of PetroCom's and Sola's presentation regarding the applications for review is enclosed herewith. PetroCom also emphasized the need for the FCC to quickly move to adopt auction and service rules for MDS systems in the Gulf of Mexico.

Although no report of this presentation is required by the Commission's rules for purposes of the PetroCom licensing proceeding,¹ PetroCom nonetheless asks that this be made a part of the

¹ Pursuant to the FCC's rules, because all parties to the PetroCom proceeding were notified in advance of the meeting with Mr. Tramont, and had an opportunity to attend, there was no *ex parte* presentation made concerning PetroCom's MDS operations. 47 C.F.R. § 1.1202(b)(2) (2000). However, PetroCom submits this notice out of an abundance of caution.

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record of that proceeding for the benefit of all the parties thereto. This notice is required, however, for RM-9718, because the parties' inquiries related to the FCC's MDS auction went beyond a mere status inquiry, covering "why timing is important to a particular party." 47 C.F.R. § 1.1202 (2000).

Sincerely,

A handwritten signature in black ink, appearing to read "Russ H. Fox", with a long horizontal line extending to the right.

Russell H. Fox
James L. Casserly
Russ Taylor

Enclosure

cc: Bryan Tramont, Esq.
Peter A. Tenhula, Esq.
Mark Schneider, Esq.
Adam Krinsky, Esq.
Marc Paul, Esq.
Steven Hamrick, Esq.
Matthew Plache, Esq.

DCDOCS:189330.1(423601!.DOC)

PetroCom License Corporation
Meeting with Mr. Bryan Tramont, February 8, 2001

Background

- + PetroCom operates a Wireless Local Loop ("WLL") system using Multipoint Distribution Service ("MDS") spectrum in the Gulf of Mexico, under "hold-over" authority conferred by Section 558(c) of the Administrative Procedures Act ("APA"), which authority has been confirmed by the U.S. District Court for the Eastern District of Louisiana. Previously, PetroCom operated under "developmental" authority granted by the Mass Media Bureau under Part 21 of the FCC's rules.
- + On May 15, 2000, the Bureau declined to renew PetroCom's developmental authorizations. PetroCom challenged that decision ("Application for Review I"), but also sought continuing authority ("interim operating authority" or "special temporary authority") to operate the WLL system. PetroCom is unable to secure permanent authorization for the WLL because the Commission has adopted no rules which authorize such Gulf-based MDS operations. PetroCom's petition for rulemaking on this subject has been pending, without action, since May 21, 1996.
- + On August 15, 2000, the Mass Media Bureau denied PetroCom's request for continuing authority. PetroCom challenged that decision ("Application for Review II").

PetroCom Should Be Permitted to Continue to Serve Users

- + PetroCom's WLL makes productive use of spectrum that would otherwise lie fallow. It provides users with capabilities that cannot be delivered via other available transmission services. All PetroCom seeks is a mechanism that enables it to continue operation of its WLL system until it the FCC has made it possible for PetroCom -- or someone else -- to obtain a permanent authorization to use this spectrum.
- + PetroCom's request is consistent with FCC precedent. The Commission has assisted developmental licensees in their efforts to transition to regularly-authorized services. In comparable cases, the FCC provided developmental licensees with lengthy transition periods intended to ensure no disruption in service to end users.
- + PetroCom is willing to operate the WLL system under any reasonable constraints the FCC may suggest: (i) no expansion of the WLL system; (ii) operation on a secondary basis for interference purposes, etc. PetroCom urged the FCC to adopt auction rules as expeditiously as possible.

Sola Communications, Inc. Presentation

- + Sola announced that, after (i) a change in its management; and (ii) further review of the WLL system and end-user acceptance of PetroCom's WLL services, Sola has changed its position in this proceeding and now urges that the FCC continue to permit PetroCom's WLL system to operate until MDS licenses are made available in the Gulf of Mexico.