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MCDERMOTT, WILL & EMERY

September 7, 2001

VIA HAND DELIVERY

RECEIVED

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

SEP - 7 2001

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 September 7, 2001, Shirley Fujimoto, Kirk Burgee and Paul Malmud of McDermott, Will & Emery, and Mark Dobbs, Bob Stout and Ed Cunningham of Cinergy Corporation met with Paul Margie of the Federal Communications Commission to discuss the above-referenced proceeding. The discussion related to matters raised by Cinergy in its Petition for Reconsideration that was filed in this docket. Specifically, they discussed: (1) how Cinergy utilizes spectrum to perform a variety of tasks; (2) why Cinergy cannot use alternatives to spectrum to perform these tasks; (3) why overlay auctions are detrimental to incumbent utility operations; and (4) why the Commission should reconsider its decision that spectrum allocated to the utilities can be auctioned.

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 Paul Margie.

Very truly yours,

Shirley S. Fujimoto/pm

Shirley S. Fujimoto

cc: Paul Margie

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