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MCDERMOTT, WILL & EMERY

November 29, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

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

**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 November 28, 2001, on behalf of Cinergy Corporation, Commonwealth Edison Company, Consolidated Edison Company of New York, Entergy Corporation, SCANA Corporation and Xcel Energy, Shirley Fujimoto, Christine Gill and Paul Malmud of McDermott, Will & Emery met with Marsha MacBride and Bradford Berry of the Federal Communications Commission. During the meeting, we discussed the ability of utilities to obtain and maintain spectrum for their private wireless communications systems, which are utilized to secure and protect the critical infrastructure. We also talked about the Petitions for Reconsideration that were filed by the above named companies in WT Docket No. 99-87 and stated that the Commission should reconsider its decision that spectrum allocated to 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 Marsha MacBride and Bradford Berry.

Very truly yours,



Shirley S. Fujimoto

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Ms. Magalie R. Salas  
November 29, 2001  
Page 2

cc: Marsha MacBride  
Bradford Berry