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April 5, 2006

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, D.C. 20554

David Honig, Executive Director  
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Re: WT Docket No. 05-211 (reporting permit-but-disclose *ex parte* communications pursuant to §1.1206(b)(2); electronically filed pursuant to §1.49(f))

Dear Ms. Dortch:

On April 5, 2006, at 1:45 PM, on behalf of MMTC, I had a telephone conversation with Commissioner Jonathan Adelstein.

In addition to the points generally made in my letter of April 4, 2006 to Chairman Martin (already in this docket), I stated that if Commission consideration of the future of the DE program came down to a choice between excluding nearly all Commission regulatees with revenues over \$125 million from participation in the program, or having no restrictions on which companies can participate, it would be very unfortunate inasmuch as the Commission would be choosing between a weak DE program and no DE program. If such a scenario were absolutely unavoidable, the best course of action would be to (1) have no restrictions on who can invest in a DE in Auction 66; (2) issue a Second Further Notice of Proposed Rulemaking seeking further comment on the reform proposals in the February 3, 2006 *FNPRM* and particularly on how future auctions could be improved based on the Commission's experience with Auction 66; and (3) adopt for Auction 66 the initial qualifications review, audit, and unjust enrichment proposals contained in MMTC's Comments (filed February 24, 2006), pp. 11-15, in order to deter manipulation of the DE program.

Sincerely,

*David Honig*

David Honig  
Executive Director

/dh