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April 5, 2006

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th 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 3:00 PM, on behalf of MMTC, I met John Giusti, Esq. and Bruce Gottlieb, Legal Advisors to Commissioner Michael Copps. I made the points expressed in my letter to Chairman Martin of April 4, 2006 (already on file in this docket).

In addition, 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. Further, if there were qualifications reviews and audits, it would be desirable to have them occur on an expedited basis before the auction to increase their deterrent effect, and to reduce the prospect that legitimate DEs must compete in the bidding (and have prices driven up unfairly) by unqualified applicants. It is better to catch manipulation of any government program before, rather than after, an entity participates in the program. Pre-auction review would allow the processing staff to use less coercive methods, such as corrective amendments or conditions, as an alternative to hearings, or to specify that if an applicant prevails it will face a hearing after the auction.

Sincerely,

David Honig

David Honig
Executive Director

/dh