



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W., TW-A325
WASHINGTON, D.C. 20554

DA 99-2102

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

October 7, 1999

"PERMIT BUT DISCLOSE" *EX PARTE* STATUS ACCORDED TO PROCEEDING INVOLVING APPLICATIONS FILED BY VOICESTREAM WIRELESS CORPORATION, OMNIPOINT CORPORATION, COOK INLET/V5 GSM II PCS, LLC, AND COOK INLET/V5 GSM III PCS, LLC FOR CONSENT TO TRANSFER OF CONTROL AND ASSIGNMENT OF LICENSES AND AUTHORIZATIONS

On July 15 and 16, 1999, VoiceStream Wireless Corporation ("VoiceStream") and Omnipoint Corporation ("Omnipoint") filed applications seeking Commission consent to transfer control of VoiceStream's and Omnipoint's licenses and authorizations to VoiceStream Wireless Holding Corporation ("VWHC"), Cook Inlet/V5 GSM II PCS, LLC and Cook Inlet/V5 GSM III PCS, LLC. On August 16, 1999, the Wireless Telecommunications Bureau (WTB) and the International Bureau (IB) issued a Public Notice announcing that the applications had been accepted for filing and establishing a pleading cycle to permit interested parties an opportunity to comment on the proposed transaction.¹

By this Public Notice and pursuant to section 1.1200(a) of the Commission's rules, 47 C.F.R. § 1.1200(a), we announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to nonrestricted proceedings under section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206. We believe the public interest will best be served by applying permit-but-disclose *ex parte* procedures in this case because this proceeding involves broad public policy issues. Further, we note that this *ex parte* procedure has been applied in the majority of recent merger cases.

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation with the Commission Secretary no later than the next business day after the presentation. 47 C.F.R. § 1.1206(b)(1). Persons making oral *ex parte* presentations must file a summary of the presentation and deliver copies to the Commissioners or Commission employees involved with the presentation no later than the next business day after the presentation. 47 C.F.R. § 1.1206(b)(2). All *ex parte* filings must reference this Public Notice, DA 99-2102.

An original and one copy of all *ex parte* memoranda must be filed with the Commission's Secretary, Magalie Roman Salas, 445 Twelfth Street, S.W., TW-A325, Washington, D.C. 20554, in accordance with section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1). **In addition, one copy of each *ex parte* memoranda must be delivered to each of the following locations:** (1) the Commission's duplicating contractor, International Transcription Services, Inc. ("ITS"), 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Office of Public Affairs, Reference Operations Division, Wireless Telecommunications Branch, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554; (3) Lauren Kravetz, Commercial Wireless Division, Wireless Telecommunications Bureau,

¹ A minor erratum to this Public Notice was issued on September 14, 1999 (DA 99-1875).

445 Twelfth Street, S.W., Room 4-A163, Washington, D.C. 20554; (4) Ramona Melson, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 Twelfth Street, S.W., Room 4-C237, Washington, D.C. 20554; (5) Matthew Vitale, Telecommunications Division, International Bureau, 445 Twelfth Street, S.W., Room 6-A821, Washington, D.C. 20554.

Copies of the applications and any subsequently filed documents in this matter may be obtained from ITS. The applications and documents are also available for public inspection and copying during normal reference room hours at the following Commission offices: Office of Public Affairs, Reference Operations Division, Wireless Telecommunications Branch, Room CY-A257, 445 Twelfth Street, S.W., Washington, D.C. 20554. Applications filed electronically, as well as petitions to deny and subsequent pleadings pertaining to those applications, are available on the Commission's website through the Wireless Telecommunications Bureau's Universal Licensing System.

For further information, contact Lauren Kravetz or Elizabeth Williams, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240; Matthew Vitale, Telecommunications Division, International Bureau, at (202) 418-1460, or Ramona Melson, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0680.

- FCC -