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Federal Communications Commission  
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December 4, 2003

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Oral Ex Parte Presentation*

*TMI Communications and Company, Limited Partnership, DA 03-385,  
File Nos. 189-SAT-LOI-97 et al.*

Dear Ms. Dortch:

On December 3, 2003, Jim Bugel of Cingular Wireless LLC and Charla Rath of Verizon Wireless (the "Carriers"), together with the undersigned, met with Commissioner Michael Copps and his Legal Advisor Paul Margie to discuss the 2 GHz MSS authorization application for review submitted by TMI Communications and Company, Limited Partnership ("TMI").

During the meeting, the Carriers addressed issues previously raised in response to the applicant.<sup>1</sup> In particular, the Carriers discussed the Commission's strict milestone enforcement policy, the straightforward nature of the initial milestone requirement, and the International Bureau's decision correctly concluding that the authorization at issue was null and void for failure to comply with the milestone. The Carriers noted that the back-to-back nature of the contractual arrangements did not satisfy the milestone and that TMI failed to take steps, such as entering a non-contingent contract with an assignability provision, which would have satisfied the milestone.

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<sup>1</sup> See e.g., Letter to Marlene H. Dortch, Secretary, FCC from Kathryn A. Zachem *et al.*, File Nos. 189-SAT-LOI-97 *et al.* (Aug. 8, 2003); Letter to Marlene H. Dortch, Secretary, FCC from Kathryn A. Zachem *et al.*, File Nos. 189-SAT-LOI-97 *et al.* (June 20, 2003); AT&T Wireless *et al.*, Opposition to Application for Review, File No. 189-SAT-LOI-97 *et al.* (Mar. 27, 2003).

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Please contact the undersigned with any questions.

Respectfully submitted,



Kathryn A. Zachem  
Adam D. Krinsky

cc: The Honorable Michael Copps  
Paul Margie  
Donald Abelson  
Thomas Tycz  
Anna Gomez  
Jackie Ruff  
Howard Griboff  
Jennifer Gilsenan  
Karl Kensinger  
Roderick Porter  
John Rogovin  
David Horowitz  
Neil Dellar