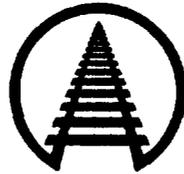


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JUL 24 1990

Federal Communications Commission
Office of the Secretary



ASSOCIATION
OF AMERICAN
RAILROADS

CONFIDENTIAL
FILE

Hollis G. Duensing
General Solicitor

July 24, 1990

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

RM-7407

RE: Maintaining the Confidentiality of Proprietary
Customer Data Submitted to Coordination
Entities in Accord with Section 90.179(e) of
the Rules

Dear Ms. Searcy,

Enclosed for filing the above captioned proceeding are the
original and nine copies of the Comments of the Association of
American Railroads.

Respectfully submitted,

Hollis G. Duensing

Hollis G. Duensing

HG/dlh

Enclosure

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BEFORE THE

Federal Communications Commission

Federal Communications Commission
Office of the Secretary

WASHINGTON, D.C. 20554

In the Matter Of)	
)	
Maintaining The Confidentiality)	
Of Proprietary Customer Data)	RM No. 7407
Submitted To Coordination)	
Entities In Accord With)	
Section 90.179(e) Of The Rules)	

To: The Commission

**COMMENTS OF THE
ASSOCIATION OF AMERICAN RAILROADS**

The Association of American Railroads (AAR) files its comments in the above-captioned petition for rule making.

AAR is a voluntary, non-profit organization composed of member railroad companies operating in the United States, Canada and Mexico. These railroad companies generate 97 percent of the total operating revenues of all the railroads in the United States. The AAR is the joint representative and agent of these railroads in connection with federal regulatory matters of common concern to the industry as a whole.

Petitioners ask the Commission to amend Section 90.179(e) of its rules to prohibit frequency coordinators from disclosing to members of the public the information furnished coordinators by applicants or licensees of private carrier or other shared radio stations about the users of their stations. Section 90.179(e) requires applicants and licensees of such stations to provide the frequency coordinators with a list of the users

together with information to determine their eligibility and the number of transmitters they propose to use. It appears that the primary objective of the petitioners is to keep that information from competitors and thus prevent "raids" on their customers by competitors. AAR understands and appreciates petitioners' concerns. However, AAR believes that the public interest in keeping the information available to the public overrides the interest of licensees in keeping that information from the public.

Section 90.179(e) was added to the Commission's Rules because the Commission was:

". . . concerned about the potential of 'paper loading' either to maintain exclusive use or discourage additional sharing of a channel."

Frequency Coordination, Memorandum Opinion and Order, P.R.

Docket 83-737, 61 R.R.2d 148, 159 (1986). It would seem that "paper" loading would be more likely if the "loading" information (that is, the lists of customers and the number of mobile radio units they are to operate) given the coordinators by applicants or licensees is not subject to public scrutiny. Coordinators and the Commission's staff cannot be expected to check the accuracy of all of the information submitted to them. They must rely to a large extent on members of the public for some policing. Petitioners' proposed rule amendment would preclude public scrutiny of the information and, therefore, AAR

believes, would be inconsistent with the objectives of the Section 90.179(e) of the Commission's Rules, and should not be adopted.

Respectfully submitted,

ASSOCIATION OF
AMERICAN RAILROADS

By 
Hollis G. Duensing
General Solicitor

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August 1, 1990
my/go.02(7)aar7407