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JUL 20 1993

Honorable Pete V. Domenici
United States Senate

One of the proposals in PR Docket 93-61 is to begin licensing AVM systems throughout the entire 902-928 MHz band. Because some commenters as well as research by Commission staff indicate that wide-band AVM systems may have difficulty operating on the same spectrum as the narrow-band systems, we have proposed that the 902-928 MHz band be divided into five sub-bands, the 904-912 and 918-926 MHz bands and the 902-904, 912-918, and 926-928 MHz bands. We have proposed that wide-band systems be licensed on a non-exclusive basis in the 904-912 and 918-926 MHz bands and that narrow-band systems be licensed on a non-exclusive basis in the remaining three sub-bands. An alternative approach was also proposed providing exclusive licensing of wide-band systems for five-years, at which time we would begin licensing on a non-exclusive basis. We proposed that existing narrow-band systems licensed in the 904-912 and 918-926 MHz bands be required to shift their operations to the three sub-

PETE V. DOMENICI
NEW MEXICO

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United States Senate
WASHINGTON, DC 20510-3101

June 16, 1993

Chairman James H. Quello
Federal Communications Commission
1919 M. Street N.W.
Washington D.C. 20554

Dear Chairman Quello:

At the request of several of my constituents, I am writing to inquire about your notice of proposed rule making in PR Docket No. 93-61, adopted March 11, 1993. In this NPRM, as I understand it, the Commission proposes to make the entire 902-928 MHz spectrum available for automatic vehicle monitoring (AVM) systems in response to a petition by two regional Bell operating companies (RBOCs). I am told that, to accommodate these two RBOC wide band systems, the Commission proposes to displace the current users who have shared this portion of the spectrum for many years. These current users serve a multiplicity of purposes, including transportation programs such as the new Intelligent Vehicle Highway System (IVHS) programs mandated by Congress, as well as a host of other uses.

I am led to believe that, in essence, the two RBOCs would be obtaining spectrum for what amounts to their exclusive use. As you know, the Congress is considering legislation to promote the auction of spectrum in situations involving exclusive use applications as a means of reducing the deficit. As the ranking member of the Senate Budget Committee, I, too, have interests in budget reduction issues which raise some concerns about whether the Commission is proposing what may amount to a give away of a significant amount of spectrum that should be obtained by auction in the future. I also wonder whether the Commission will be crowding current shared users into smaller spectrum space when indications are that they are employing technologies that are enjoying substantial growth in demand.

The matter came to my attention because of the potential

The issue, however, is much broader than the effect just on Amtech. It seems to me that the Commission and the RBOC petitioners must be able to explain why two telecommunications corporations whose technologies evidently cannot share spectrum very well should displace a host of other users engaged in innovative transportation and non-transportation applications which are willing and able to share that spectrum. I would appreciate an assessment of these questions as soon as possible.

Thank you very much for your assistance in this matter. I look forward to your early response in this particular case and to working with you on other spectrum and telecommunications issues as they arise.

Sincerely,

Pete V. Domenici
United States Senator

PVD/gdv

P.S. Thank you for your assistance on this. Pete