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Nextel Communications, Inc.

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January 12, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF THE
SECRETARY

JAN 12 '94

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EX PARTE

Re: GN Docket No. 93-252

Dear Mr. Caton:

On behalf of Nextel Communications, Inc. ("Nextel") and pursuant to Section 1.1206(a) of the Commission's Rules, this letter constitutes notice that on January 12, 1994, Nextel forwarded the attached document, entitled "SMR Facts", to Karen Brinkmann, Esquire and Renee Licht, Esquire, Special Assistants to Chairman Reed E. Hundt.

Should any questions arise in connection with this notification, please do not hesitate to contact the undersigned.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

Lawrence R. Krevor
Director
Government Affairs

LRK:glS

cc: Karen Brinkmann, Esquire
Renee Licht, Esquire

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SMR FACTS

The Mandated Three Year Transition

* Specialized Mobile Radio ("SMR") service created in the early 1970's. SMRs created as private carriers to offer communications services to businesses, commercial entities and local governments on a "for-profit" basis.

* In 1983 rule making implementing 1982 Communications Act amendments (Docket No. 20846), Commission authorized SMRs to freely interconnect with the public switched telephone network (provided they do not resell telephone exchange or interexchange service for a profit). For more than a decade, SMR licensees have offered their customers "automatic" interconnection with the public telephone network.

* In 1988, Commission authorized SMRs to serve individuals.

* In 1991, by unanimous vote, the Commission authorized Nextel (Fleet Call) to reconfigure its existing SMR systems using spectrally-efficient digital technology and frequency reuse.

- The Commission found that its "current rules and policies permit a multiple base station digital configuration for SMRs" and that "the services that Fleet Call will provide in its enhanced networks are not functionally different from any service that it currently provides through its existing systems. . . including interconnection with the public switched telephone network."

- Enhanced Specialized Mobile Radio ("ESMR") is not a new service -- Commission did not allocate spectrum for or adopt service rules for an ESMR service. "ESMR" does not appear in any Commission rule. Nextel created it to describe the improved capabilities of its digital, frequency reuse SMR systems.

- In endorsing the Nextel (Fleet Call) ESMR proposal the Commission stated: "Given that digital technology and multiple base station configurations are also permitted under current rules, we must conclude that Fleet Call's proposal does not create a de facto new service (emphasis added)."

* The Omnibus Budget Act of 1993 created a comprehensive new regulatory structure for mobile communications services providing that cellular, Personal Communications Services ("PCS") and other "functionally equivalent" services would be regulated on a common carrier basis under Title II of the Communications Act.

- It authorizes the Commission to regulate these providers differently to promote a competitive mobile communications industry.

- Commission required to adopt service rules for PCS within six months of Budget Act enactment (February 8, 1994).

- Commission required to begin PCS licensing within nine months (May 7, 1994).

- Commission required to prescribe regulatory classification and transition rules for mobile services other than PCS within one year of Budget Act enactment (August 8, 1994). Includes revising regulations for SMRs to be comparable with rules for similar common carrier services. (The regulatory parity rulemaking does not address these issues).

- Budget Act specifies three-year transition during which "reclassified" private services shall continue to be regulated as private mobile service. As Congressman Markey stated in floor debate on the final bill:

" . . . Subsection (c)(2) of section 6002, relating to effective dates, provides a 3-year period during which current providers of private land mobile service will continue to be treated in the same manner. The intent of this transition period is to provide those whose regulatory status is changed as a result of this legislation a reasonable time to conform with the new regulatory scheme (emphasis added)."