EX PARTE OR LATE FILED

LAW OFFICES
KOTEEN & NAFTALIN
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036

BERNARD KOTEEN
ALAN Y. NAFTALIN
RAINER K. KRAUS
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
HERBERT D. MILLER, JR.
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
M. ANNE SWANSON
CHARLES R. NAFTALIN

GREGORY C. STAPLE
OF COUNSEL

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915
CABLE ADDRESS
"KOBURT"

RECEIVED
JUN 1 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

June 1, 1994

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Secretary of Federal
Communications Commission
1919 M Street, NW
Washington, DC 20054

Re: General Docket No. 90-314
Ex Parte Presentation

Dear Mr. Caton:

Transmitted herewith on behalf of Telephone and Data Systems, Inc., in duplicate, is a written ex parte presentation which we are submitting pursuant to Section 1.1206 of the Commission's rules for inclusion in the public record of the above-referenced proceeding.

In the event that there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,

George Y. Wheeler

Attachment

- Letter of Rudolph E. Hornacek,
  Vice President-Engineering,
  Telephone and Data Systems, Inc.

No. of Copies rec'd 0+2
List ABCDE

Corporate Office
30 North LaSalle Street
Suite 4000
Chicago, Illinois 60602-2507
Office: 312-630-1900
FAX: 312-630-1908
312-630-9299

Telephone and Data Systems, Inc.

June 1, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20054

Re: General Docket No. 90-314 Ex Parte Presentation

Dear Mr. Caton:

Telephone and Data Systems, Inc., on behalf of itself and its subsidiaries, ("TDS") supports the broadband PCS band plan recently proposed by Motorola, Inc.(1) and requests that it be adopted on reconsideration of the Commission's Second Report and Order in General Docket No. 90-314.

We believe that Motorola's band plan is practical, cost-effective, and technically sound. As a potential new full-service competitor, we also believe that it will enhance healthy competition.

Shifting the allocated spectrum for licensed and non-licensed broadband PCS to the 1850-1990 MHz band solves numerous technical issues affecting the cost of handsets, the speed of deployment and interoperability options.

Three 30 MHz and three 10 MHz channel blocks to be licensed in the lower PCS band will fulfill the Commission's objectives to encourage launch of three, or possibly four "full-service" providers in metropolitan market areas. (As discussed below, we also support revisions in the Commission's cellular eligibility restrictions to permit cellular operators like TDS and others with small widely dispersed cellular systems the opportunity to develop "full-service" PCS technologies in their home markets.)

---

(1) Motorola's band plan is described in the May 25, 1994, written ex parte presentation of Mr. Michael D. Kennedy in the Commission's PCS docket.

TDS also strongly supports Motorola's concerns about appropriate standards development to permit a "smooth roll-out ... and ultimately ... high volume, lower cost equipment." While we firmly believe that industry should have sole responsibility for creating standards and administering the approval process, the Commission should act to accelerate national standards development by establishing a schedule to guide these industry efforts.

Finally, we reiterate the request in our petition for reconsideration that the Commission modify its "20/10" cellular eligibility restriction because of its impact on companies like TDS which have small geographically dispersed cellular operations and minority, non-controlling interests in the systems of others, which interests clearly do not confer "undue market power." The Commission should be encouraging the participation of actively competitive companies like TDS which have successfully operated small cellular systems particularly in rural and other non-metropolitan areas to develop full-service wide-area PCS systems. This can happen if the Commission's eligibility restrictions in Section 99.204 of the Commission's rules are revised to specify 25 percent attributable ownership interest and a 20 percent overlap standards.

Very truly yours,

Rudolph E. Hornacek

Rudolph E. Hornacek
Vice President - Engineering