

JUN 29 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 29, 1994

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222 -- Mail Stop 1170
1919 M Street, N.W.
Washington, D.C. 20554

Re: MFS Network Technologies, Inc. and Texas Instruments, Inc. Opposition to Symbol Technologies, Inc.'s Request for Public Notice in PR Docket No. 93-61 - Automatic Vehicle Monitoring Systems

Dear Mr. Caton:

MFS Network Technologies, Inc. and Texas Instruments, Inc. ("MFS/TI"), pursuant to 47 C.F.R. § 1.1206(a) and by their counsel, hereby submit an original and two copies of this letter to oppose Symbol Technologies, Inc.'s ("Symbol") request that the Commission issue another Public Notice in PR Docket 93-61 to solicit comment on "the extent to which services based on existing technologies, such as global positioning systems ("GPS"), may be able to fill any or all of the needs proposed to be addressed by location monitoring systems ("LMS") or automatic vehicle monitoring systems ("AVM").^{1/}

Symbol's letter boldly states that "[t]he important issue of GPS . . . seems to have arisen only recently and the record on these matters is far from complete." Contrary to Symbol's assertion, however, the issue of GPS as an alternative technology to LMS has been more than adequately addressed in this proceeding. Over two years ago, Trimble Navigation publicly announced its GPS services.^{2/} Many of the commenters in this proceeding have not only been aware of GPS, but have advocated its use as an alternative to AVM/LMS technology. Indeed, as early as June 1993, when the Commission first accepted comments in this proceeding, SpectraLink Corporation suggested that GPS could supplant AVM/LMS technologies. Later in the proceeding, after AirTouch Communications, Inc. (formerly PacTel Teletrac) modified its

^{1/} See Letter to William F. Caton, Acting Secretary, Federal Communications Commission from Mitchell Lazarus on behalf of Symbol Technologies, Inc., dated May 27, 1994.

^{2/} See News Release "Trimble Navigation Installs First Completely Integrated GPS Tracking & Delivery System," by Morgen Walke Associates, Inc., for Trimble Navigation Limited, March 2, 1992.

042

Mr. William F. Caton
June 29, 1994
Page 2

original proposal to facilitate spectrum sharing among wide-area AVM systems, AirTouch Communications, Itron, Inc., Pinpoint Communications, Trimble Navigation and the Part 15 Coalition all specifically discussed the merits and demerits of GPS as an alternative to AVM/LMS technologies in their comments on the Commission's February 9, 1994 Public Notice.^{3/} It would be unnecessary and contrary to the public interest in expeditiously adopting permanent AVM/LMS rules to issue yet another Public Notice to solicit comment on an issue that has already been fully debated.^{4/} Moreover, issuance of another Public Notice would permit a single interest group to further delay the adoption of permanent AVM/LMS rules.

In its effort to ensure an equitable, efficient and swift resolution of the competing AVM/LMS and Part 15 interests, MFS/TI has actively participated in this proceeding and has proposed a compromise spectrum allocation plan that would promote competition, encourage technological innovation, and maximize the number of users for the available spectrum.^{5/} Specifically, MFS/TI proposes to reduce the amount of spectrum for exclusive use by "wide-area" pulse ranging AVM systems from two 8 MHz spectrum blocks to only one 8 MHz spectrum block, leaving 18 MHz of contiguous spectrum to be shared by all other AVM providers (and Part 15 manufacturers on a secondary basis).

^{3/} *Reply Comments of PacTel Teletrac* (March 29, 1994); *Comments of Itron, Inc.*, (March 15, 1994); *Comments of Pinpoint Communications, Inc. on Ex Parte Presentations*, (March 15, 1994); *Comments of Trimble Navigation* (March 15, 1994); *Comments of the Part 15 Coalition* (March 15, 1994); *See also, Comments of SpectraLink Corporation* (June 29, 1993).

^{4/} *See Notice of Proposed Rule Making*, PR Docket 93-61, 8 FCC Rcd. 2502 (1993) (In adopting a Notice of Proposed Rulemaking, the Commission stated that it was persuaded "that AVM technology and experience have developed to a point where permanent provisions will further the public interest.").

^{5/} *See, e.g., Reply Comments of Texas Instruments Inc., and MFS Network Technologies, Inc.* PR Docket No. 93-61, (July 30, 1993); *Ex Parte Meetings of MFS Network Technologies and Texas Instruments, Inc. with Commission Staff of the Private Radio Bureau on September 15, 1993, with the Senior Staff of Chairman Quello's office and Commissioner Duggan's office on September 16, 1993, and with the Commission Staff of the Office of Engineering and Technology and the Senior Staff of Commissioner Barrett's Office on November 19, 1993; Ex Parte Comments of MFS Network Technologies, Inc., and Texas Instruments Inc.* (Dec. 2, 1993); *Additional Comments of MFS Network Technologies, Inc., and Texas Instruments Inc., on PacTel Teletrac Ex Parte Filing*, (March 15, 1994).

Mr. William F. Caton
June 29, 1994
Page 3

AirTouch has also offered the Commission a revised spectrum plan that would provide a large block of contiguous spectrum for shared use by AVM/LMS providers and Part 15 devices.^{6/} Specifically, PacTel proposed, *inter alia*, to decrease its initial request for 16 MHz of exclusive spectrum for wide area multilateral systems to 10 MHz.^{7/}

After much struggle among AVM/LMS providers, both MFS/TI and AirTouch have offered proposals that will accommodate all users of the band, including Part 15 manufacturers. All interested parties have had ample opportunity to comment on these and other proposals advanced by various interests. In MFS/TI's view, the Commission has before it two compromise proposals from which to adopt permanent rules that will accommodate all parties, including Part 15 manufacturers. As the term "compromise" suggests, neither of these spectrum allocation plans satisfies all parties, in every respect. But either plan would accommodate, though imperfectly, the concerns of all interested parties to this proceeding.

Only the Part 15 Coalition and its members, including Symbol have been intractable in their demand for what is tantamount to primary status in the band. In this regard, MFS/TI note that the record is replete with representations from reputable companies that Part 15 manufacturers can be accommodated under either of these proposals.^{8/} In MFS/TI's view, to the extent that spectrum sharing remains an element of the permanent rules governing AVM, Part 15 manufacturers will be dissatisfied even if the technical evidence demonstrates that their devices can coexist with AVM/LMS systems. While the Commission should consider the interests of Part 15 manufacturers, it must also realize that attempts to completely satisfy their interests may wholly defeat the proposal to adopt permanent AVM rules and give greater certainty to this burgeoning industry.

Finally, MFS/TI is very concerned that further delays in the adoption of permanent rules will exacerbate the uncertainty surrounding the future of AVM/LMS and will jeopardize necessary investments in AVM/LMS technology. The Commission correctly recognized in its

^{6/} Letter to Ralph A. Haller, Chief, Private Radio Bureau, Federal Communications Commission from John R. Lister, President, PacTel Teletrac, dated January 26, 1994.

^{7/} PacTel also urged the Commission to adopt sharing rules to minimize interference for both original spectrum users and subsequent spectrum users, to define the co-channel protection area using Rand McNally Basic Trading Areas, and to implement minimum coverage requirements for potential service providers.

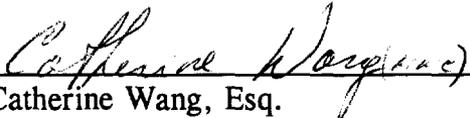
^{8/} See generally, *Comments of AirTouch Communications Teletrac (March 15, 1994)*; *Comments of MobileVision, L.P. (March 15, 1994)*; *Ex Parte Comments of MFS Network Technologies, Inc. and Texas Instruments, Inc. (Dec. 2, 1993)*.

Mr. William F. Caton
June 29, 1994
Page 4

Notice of Proposed Rulemaking that continued uncertainty about AVM/LMS rules would thwart investment and impede the development of AVM/LMS technologies and applications. The public interest mandates expeditious adoption of permanent AVM rules.

Accordingly, MFS/TI urges the Commission to deny Symbol's request and adopt permanent AVM/LMS rules expeditiously.

Very truly yours,


Catherine Wang, Esq.

Counsel for
MFS Network Technologies, Inc.


Steven P. Reynolds, Esq.

Counsel for
Texas Instruments, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing letter was sent to the following parties on this 29th day of June, 1994.

Commissioner Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W. - Room 814
Washington, D.C. 20510

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W. - Room 832
Washington, D.C. 20510

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W. - Room 802
Washington, D.C. 20510

Raymond A. Martino
Symbol Technologies Inc.
c/o Arent Fox
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W. - Room 844
Washington, D.C. 20510

Mitchell Lazarus, Esq.
c/o Arent Fox
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W. - Room 844
Washington, D.C. 20510


Anita M. Doleman