

SUNSHINE PERIOD

ORIGINAL



Small Business PCS Association
96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 Fax: 415-851-1870

DOCKET FILE COPY ORIGINAL

RECEIVED

JUN 28 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

June 28, 1994

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20552

Re: June 22, 1994 and June 23, 1994 Ex Parte Contacts
PP Docket No. 93-253

Dear Mr. Fishel:

Pursuant to Section 1.1214 of the Federal Communications Commission's (the "Commission") Rules, I hereby advise the Commission of ex parte contacts made on June 23 in regard to outstanding issues in the Competitive Bidding Rulemaking for broadband Personal Communications Services ("PCS").

On the morning of June 23, 1994, without knowledge that the June 29th Commission agenda was released late in the day on June 22, 1994, I forwarded a letter, via facsimile, to each of the Commissioners, Jonathan V. Cohen, Esq. and Donald Gipps of the Office of Plans and Policy, and William E. Kennard, Esq. of the Office of General Counsel, regarding issues outstanding in the broadband PCS rulemaking proceeding. At the time these contacts were made, I was not aware that the Sunshine Period for broadband PCS had commenced. In fact, in response to my inquiry with Commission staff on June 22, 1994, I was assured that further discussion on these issues was permissible and that release of the Sunshine Agenda would be delayed a day.

The chronology of the facsimiles that were transmitted on June 23rd was as follows:

FCC Commissioners	June 23	8:53-9:01 AM EDT
Jonathan V. Cohen	June 23	8:59 AM EDT
Donald Gipps	June 23	9:03 AM EDT
William E. Kennard	June 23	9:06 AM EDT

The same letter was forwarded to Gregory L. Rosston of the Office of Plans and Policy at 5:05 PM EDT on June 22, 1994. The information contained in these letters, therefore, was

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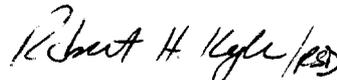
Mr. Andrew S. Fishel
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June 28, 1994

arguably already before the Commission prior to commencement of the Sunshine Period for broadband PCS.

Attached please find copies of the communications referenced in this letter.^{1/} Should you have any questions regarding these contacts, please do not hesitate to call me at 415-851-1615.

Respectfully submitted,

kycom, Inc.



Robert H. Kyle
President

CC: The Honorable Reed Hundt
 The Honorable James H. Quello
 The Honorable Andrew C. Barrett
 The Honorable Susan Ness
 The Honorable Rachelle Chong
 Donald Gipps
 Gregory L. Rosston
 Jonathan V. Cohen, Esq.
 William E. Kennard, Esq.

^{1/} The date reflected in the letter to Mr. Rosston is incorrect and resulted from a typographical error. The letter was forwarded to Mr. Rosston on the day and at the time specified above.

Small Business PCS Association
96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 FAX: 415-851-1870

June 23, 1994

The Honorable Andrew C. Barrett
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Commissioner Barrett:

We at SBPCS were very concerned to hear yesterday that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

Another major area of concern, expressed in my May 13 letter, is the revenue limit for the Entrepreneurial Block. If the limit is not lowered to \$40 million or less the Entrepreneurial Blocks will not diversify ownership in the communications industry, as Congress has mandated, but will merely expand the roll of existing medium sized telecommunications companies in an industry where they are already major players.

Lastly, we are concerned that the Entrepreneurial Block will be auctioned at a date later than other licenses, particularly the 30 MHz MTAs. It is our view that in PCS a company's ability to quickly deploy infrastructure is critical to their success. Therefore, we ask that recipients of Entrepreneurial Block licenses be given an equal chance by awarding their licenses at the same time, or before, their large company MTA competitors.

Best of luck in your activities finalizing the broadband PCS rules.

Sincerely,



Robert H. Kyle
Chairman

Small Business PCS Association
96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 FAX: 415-851-1870

June 23, 1994

The Honorable Reed Hundt
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Chairman Hundt:

We at SBPCS were very concerned to hear yesterday that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

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Sincerely,



Robert H. Kyle
Chairman

Small Business PCS Association
96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 FAX: 415-851-1870

June 23, 1994

William E. Kennard, Esq.
Office of General Council
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Mr. Kennard.

We at SBPCS were very concerned to hear yesterday that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

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Sincerely,



Robert H. Kyle
Chairman

Small Business PCS Association
96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 FAX: 415-851-1870

June 23, 1994

The Honorable Rachelle Chong
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Commissioner Chong:

We at SBPCS were very concerned to hear yesterday that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

Another major area of concern, expressed in my May 13 letter, is the revenue limit for the Entrepreneurial Block. If the limit is not lowered to \$40 million or less the Entrepreneurial Blocks will not diversify ownership in the communications industry, as Congress has mandated, but will merely expand the roll of existing medium sized telecommunications companies in an industry where they are already major players.

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Robert H. Kyle
Chairman

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96 Hillbrook Drive Portola Valley, CA 94028
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June 23, 1994

Mr. Don Gips
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Don:

We at SBPCS were very concerned to hear yesterday that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

Another major area of concern, expressed in my May 13 letter, is the revenue limit for the Entrepreneurial Block. If the limit is not lowered to \$40 million or less the Entrepreneurial Blocks will not diversify ownership in the communications industry, as Congress has mandated, but will merely expand the roll of existing medium sized telecommunications companies in an industry where they are already major players.

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Robert H. Kyle
Chairman

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June 23, 1994

The Honorable James H. Quello
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Commissioner Quello:

We at SBPCS were very concerned to hear yesterday that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

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Robert H. Kyle
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96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 FAX: 415-851-1870

June 23, 1994

The Honorable Susan Ness
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Commissioner Ness:

We at SBPCS were very concerned to hear yesterday that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

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Chairman

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June 23, 1994

Mr. Jonathan Cohen
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Jonathan:

We at SBPCS were very concerned to hear yesterday that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

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Robert H. Kyle
Chairman

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96 Hillbrook Drive Portola Valley, CA 94028
415-851-1615 FAX: 415-851-1870

June 18, 1994

Mr. Greg Roston
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Greg:

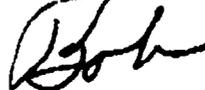
Thank you for the phone call earlier today about the entrepreneurial frequency blocks. We at SBPCS were very concerned to hear that the maximum passive investment in SWMRS may be lowered to 49.9%. This will make it virtually impossible for any SWMR in the country to get financing. The 80% limit for passive investment previously suggested by the FCC is highly preferable.

Another major area of concern, expressed in my May 13 letter, is the revenue limit for the Entrepreneurial Block. If the limit is not lowered to \$40 million or less the Entrepreneurial Blocks will not diversify ownership in the communications industry, as Congress has mandated, but will merely expand the roll of existing medium sized telecommunications companies in an industry where they are already major players.

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