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JUL 8 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

July 8, 1994

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

Re: Notice of Oral Ex Parte Presentations
GN Docket No. 93-252

Dear Mr. Caton:

On behalf of SunCom Mobile & Data, Inc. ("SunCom"), this notice is submitted in accordance with Section 1.1206(a)(2) of the Commission's Rules, with the original and one copy submitted to the Commission's Secretary.

On July 6, 1994, Warren Havens, President, SunCom; Steven Richardson, Director of Marketing, SunCom; and the undersigned met with David Furth, Ron Netro and Marty Leibman of the Private Radio Bureau and made a permissible oral ex parte presentation concerning the above-referenced docket.

At the meeting, SunCom presented the materials enclosed herewith and discussed the subjects set forth therein.

Very truly yours,

Thomas Gutierrez

Enclosures
TG:cms

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July 6, 1994

SunCom Mobile & Data, Inc.

PRESENTATION IN GN DOCKET NO. 93-252

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SunCom Mobile & Data, Inc.

I. The Company

The principals and organizers of SunCom Mobile & Data, Inc. own and operate mobile systems, "wireless cable" systems, financial securities firms, and other businesses, and include former owners of cellular systems.

SUNCOM IS COMMITTED TO INVEST A PORTION OF ITS OPERATING PROFITS INTO CHARITABLE AND CIVIC PROJECTS IN COMMUNITIES WHERE IT DOES BUSINESS.

II. SunCom's Business Plan

SunCom is developing local 220 MHz facilities by linking them into regional networks. Local licensees, who might otherwise find it difficult to market a stand alone system, now have the opportunity to broaden their customer base to reach, for example, supermarket chains, service contractors, and others in need of wireless data applications.

Local 220 MHz licensees who participate in SunCom's network will (i) combine their licenses into a commercially viable entity, (ii) take back an equity interest in the company in return for such contribution, and (iii) invest cash for additional equity in the company.

III. SunCom's Revised Regulatory Plan

In its recently filed comments in GN Docket No. 93-352, SunCom presented a revised proposal referenced in the Commission's NPRM. These revisions grew out of numerous meetings with industry representatives and reflect SunCom's desire to ensure the rapid and organized development of 220 MHz local channels. SunCom's revised proposal is as follows:

A. Five year implementation schedule, with construction benchmarks as follows:

Year	Percentage of Markets Constructed
1.5 years	20%
2.5 years	40%
3.5 years	75%
5.0 years	100%

B. SunCom will construct, (1) the lesser of three licenses (15 channels) or all of the channels under its management in each of its markets in the top 75 MSAs, and (2) the lesser of two licenses (10 channels) or all of the channels under its management in MSAs 76 and beyond.

C. Prohibit assignability of network authorization until 20% benchmark is met.

IV. Comments on the SunCom Proposal

A. Near unanimous agreement that combining five-channel systems and presenting wide-area service furthers the public interest.

B. Majority of commenters support the relief sought by SunCom, with modifications regarding terms of authorization.

C. Opposition to SunCom proposal presented by equipment manufacturer, organizers of competing networks and nationwide 220 licensees.

D. SunCom proposal modified to accommodate many concerns raised in comments.

V. No Valid Objections to SunCom's Proposal Have Been Presented

A. Charges of "speculation" overlook the timing of the SunCom request and the fact that under the SunCom proposal licensees will continue to have an interest in communication systems rather than selling out.

B. Nationwide licensees mistakenly view SunCom as attempting to obtain a new nationwide allocation.

C. Equipment manufacturers, who have benefitted from extensions to date, oppose SunCom because it would reduce near-term profits from equipment sales and because they compete with SunCom.

D. Commenters who argue that systems are being built out overlook problems associated with long-term use of management agreements, which involve far more speculation than the SunCom proposal and which present genuine legal questions.

E. ESMR 220 service as proposed by SunCom is "similar" to cellular and SMR service, in that some customers will view it as a substitute.

F. SunCom's proposal will advance narrowband usage and thereby further the efficient use of spectrum, and is necessary to facilitate near-term build-out of a significant portion of existing licensees.

VI. Urgent Action on the SunCom Proposal is Warranted

A. The proposal was advanced more than five months ago.

B. FCC action on the SunCom proposal is the sole action necessary before construction commences.

C. Grant of the SunCom proposal, pending action in the rulemaking proceeding, is appropriate. Announcement of action on the SunCom proposal no later than on the date of adoption of rules is necessary to permit timely construction.