

AMTA

American Mobile Telecommunications Association

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

PRESIDENT & CEO

Alan R. Shark, CAE

GENERAL COUNSEL

Elizabeth R. Sachs, Esq.
Lukas, McGowan, Nace & Gutierrez

July 26, 1994

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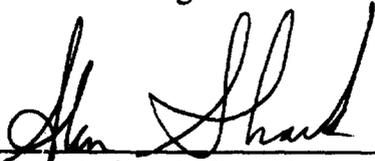
William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

**Re: Notice of oral ex parte presentation
GN Docket No. 93-252**

Dear Mr. Caton:

On July 26, 1994, the American Mobile Telecommunications Association, Inc. (AMTA) made an oral ex parte presentation concerning the above-captioned docket to Mr. David R. Siddall, Legal Advisor to Commissioner Ness. The matters discussed included a bloc licensing proposal for wide-area 800 MHz Specialized Mobile Radio (SMR), the proposed cap on aggregation of commercial mobile service (CMRS) spectrum, and other issues in this proceeding as listed on the attached document, entitled "Discussion Points."

An original and one copy of this Notice have been submitted.



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CMRS Technical and Operating Rules (GN Docket No. 93-252)
Discussion Points

800 MHz Wide-Area Licensing

1. The Commission has tentatively concluded that 800 MHz wide-area SMR service is "substantially similar" to, and presumably competitive with, cellular service. However, there are significant disparities in the FCC's spectrum allocation for and licensing of those services which make effective competition between them extremely difficult.
2. As the Commission has stated, substantially similar services need not be regulated identically; only those changes necessary and practical must be made to achieve comparable regulation.
3. If the Commission is to implement a separate licensing plan for 800 MHz wide-area SMR service to provide the bloc of clear, contiguous spectrum needed to provide regulatory symmetry, the plan must also consider the interests of existing traditional, analog SMR licensees currently licensed on the same channels.
4. AMTA's proposal would permit issuance of an SMR license in each MTA for wide-area use. This authorization would incorporate the 200 channels from 861-865 MHz already allocated for trunked SMR service on an exclusive basis, as well as any frequencies already incorporated in the wide-area system in that area from the other private land mobile frequencies at 851-860 MHz. Since all, or nearly all, of the available frequencies have been licensed or applied for in most areas of the country, the applicant for this license would be determined through negotiations among the existing wide-area licensees and applicants.
5. Analog SMR licensees currently operating on channels in the 861-865 MHz band would be "retuned" to other 800 MHz frequencies at the cost of the wide-area licensee. AMTA seeks to make this relocation as nondisruptive as possible: it suggests a notice period to licensees facing retuning and negotiation of costs to be incurred in making licensees whole.
6. Upon implementation of this proposal, most traditional SMR operators would no longer be short-spaced with, and face potential harmful interference from, the multiple, proximately-located "cell" sites typically associated with wide-area 800 MHz systems. AMTA also supports the FCC's proposal to eliminate loading requirements and the "40-mile rule," which will facilitate more market-driven system expansion. However, since some traditional operators have expressed an interest

in eventually converting to wide-area, digital service, and a concern for the continued value of their licenses, there would be no restriction on the provision of wide-area service, using digital or other technologies, on the 851-860 MHz SMR channels under current wide-area licensing procedures.

Spectrum Cap

7. The record in this proceeding shows overwhelming opposition to a spectrum cap across all CMRS services. Existing ownership restrictions have been carefully crafted for service-specific situations and will sufficiently foster competition; a cap would impede competition through limiting investment opportunities. Moreover, there would be substantial difficulties in establishing methods for calculating reasonable spectrum ownership and attribution comparisons across services with totally dissimilar channel assignment methods and service coverage.

900 MHz

8. AMTA supports the Commission's proposal to resume wide-area licensing of 900 MHz services, and suggests that these licenses be awarded on an MTA basis. Existing licensees in this band have invested large amounts of time and expense in providing services to the public with the expectation that they would be able to expand their systems. AMTA therefore recommends that they receive MTA licenses before remaining spectrum is licensed. AMTA further urges the Commission to maintain existing technical flexibility, including present power and antenna height limitations.

220 MHz

9. Due to the short initial filing window for 220 MHz services, followed by a long and difficult licensing process, many licensees in this band are currently operating systems under Special Temporary Authority at a different location than that specified on their licenses. AMTA recommends that a new filing window in this service be opened only to modifications of existing authorizations, with applications for new facilities accepted once modifications have been awarded. AMTA further supports limited aggregation of 220 MHz authorizations to create regional systems, subject to a maximum three-year "slow growth" schedule and financial showings similar to those imposed on nationwide 220 MHz applicants.