

# AMTA

American Mobile Telecommunications Association

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**PRESIDENT & CEO**

Alan R. Shark, CAE

**GENERAL COUNSEL**

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

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August 4, 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 written ex parte presentation  
GN Docket No. 93-252**

Dear Mr. Caton:

On August 4, 1994, on behalf of 220 MHz equipment manufacturers SEA, Inc., Uniden America Corporation and E.F. Johnson Company, the American Mobile Telecommunications Association, Inc. (AMTA) submitted a written ex parte presentation concerning the above-captioned docket to Mr. Ralph Haller, Chief of the Private Radio Bureau. A copy of the presentation is attached hereto.

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



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August 4, 1994

Ralph Haller, Chief  
Private Radio Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 5002  
Washington, D.C. 20554

**Re: 220 MHz Equipment Manufacturers's Position  
GN Docket No. 93-252, FNPRM**

Dear Mr. Haller:

The three manufacturers of 220 MHz equipment: SEA, Inc., Uniden America Corporation and E.F. Johnson Company,<sup>1</sup> request immediate guidance from the FCC regarding the present 220 MHz construction deadline of December 2, 1994. AMTA hereby submits this written ex parte presentation in the above-mentioned proceeding on their behalf.

As of August 2, 1994, all three manufacturers have on hand orders for 5-channel 220 MHz systems that amount to approximately twice the number of such systems that can be delivered by the December 2 deadline. If the Commission intends to enforce strictly the December 2 construction deadline, manufacturers must know immediately. The longest lead time for delivery of certain parts and components is approximately 14 to 16 weeks. It would make no economic sense for a manufacturer to undertake the financial commitment of ordering these parts and components when it has reason to believe that the Commission intends to revoke licenses for the very same systems for which the parts are being ordered if the systems are not constructed and operating by December 2, 1994. This problem of lead time is one that involves not only the three manufacturers of 220 MHz equipment, but other manufacturers of RF equipment who are the suppliers of components; they also need sufficient lead time for delivery of their own parts.

At the present time, there are approximately 100 five-channel 220 MHz systems constructed and operating. This number, when added to the number of pending orders

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<sup>1</sup> E.F. Johnson agrees in principle to the position taken in this document; however, it has not yet had time to examine all details and may not agree on all dates and deadlines as herein presented.

currently held by the three manufacturers, reveals that the majority of 220 MHz licensees have not yet placed orders. The Commission itself must accept substantial responsibility for this situation, having incorporated the Petition for Declaratory Ruling filed by SunCom Mobile & Data, Inc. as part of the Further Notice of Proposed Rulemaking in GN Docket No. 93-252, adopted April 20, 1994 and released May 20, 1994. A portion of the SunCom petition was a request for relief from the December 2 construction deadline. The pendency of the SunCom request for relief, coupled with the Commission's formal invitation for comment thereon in Docket No. 93-252, created a very reasonable expectation among the 220 MHz licensee community that the Commission intended to take action with respect to the December 2 construction deadline.

If the Commission intends to take such action, it should do so very soon. Conversely, if the Commission intends to adhere to the construction deadline, it should make an immediate announcement to that effect so that licensees and manufacturers may be on notice regarding the Commission's intention.

All of the 220 MHz manufacturers believe that the Commission should extend the construction deadline. There is no need for any additional notice and comment on this issue. The Commission already invited comment in the context of the SunCom request in GN Docket No. 93-252, and all parties commenting on the current construction deadline in that Docket supported an extension of the deadline.

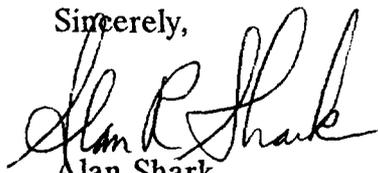
The extension of the construction deadline should take one of two different forms. First, licensees of "stand-alone" systems (*i.e.*, those not under common management agreements with any network operator) should be required to place an order with an equipment manufacturer no later than October 1, 1994, and their systems must be constructed by September 30, 1995. This will allow sufficient lead time for the manufacturers to order parts and components and deliver systems in an orderly fashion.

Second, for those licensees who have entered into arrangements with network managers, the Commission should establish a deadline of October 30, 1994, by which the network manager must file with the Commission a network plan, including a list of licensees for which it will be constructing and managing systems. For such networks, the Commission should require that at least one five-channel system be in operation in ten (10) of the top thirty markets as defined in Section 90.741 of the Commission's Rules, by December 2, 1994, or, if a network manager plans to operate systems in less than ten markets, a total of ten (10) five-channel systems must be in operation by December 2, 1994. By December 2, 1995, each network under common management must have constructed and placed into operation at least 35% of the five-channel systems that it proposes to operate. Finally, by December 2, 1996, each network must complete construction of all systems in all markets.

The foregoing approach strikes a reasonable accommodation between two competing concerns: (1) the practical realities of production delays and backlogs that would be exacerbated by adhering to a single, industry-wide construction deadline, and (2) the public interest in expediting the inauguration of 220 MHz service in as many markets as possible.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan Shark".

Alan Shark  
President