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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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August 18, 1994

Federal Communications Commission  
Office of The Secretary  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Return of SMR Applications: GN Docket 93-252

Dear Sirs:

MTI, Inc. (MTI), an SMR licensee and applicant, has recently reviewed the Commission's News Release, Report DC-2638, which, MTI is advised, may lay the foundation for the Commission's unprecedented return of all pending SMR applications.

MTI would strongly object to any return of previously granted or pending SMR applications.

More than a year ago, MTI authorized extensive research and analysis of the SMR industry and, in particular, of all federal rules concerning the availability of SMR spectrum. After this costly engineering and legal research, MTI concluded that it would be appropriate to prepare and file SMR applications for the smaller U.S. markets that seemed to be receiving little attention by larger companies, such as, Nextel. During this process, costly market-specific engineering research was performed and many applications were filed, most of which remain pending now, almost one full year later. MTI finds it extremely hard to believe that the Commission is now considering "returning" all of MTI's pending applications to it, rewriting the application rules and procedures and starting over.

Volumes could be here written related to due process and the other administrative and constitutional legal issues that would be involved in any such tardy action by the Commission. Suffice it to say that it appears, on its face, illegal.

If it is wide-area licensing that the Commission seeks, that goal can be achieved without returning any pending applications, in the same manner that it can be achieved without rescinding all existing licenses and systems that would stand in its way. If it is competition that the Commission would foster, the pending applications surely offer the last chance for any competition to the Nextel conglomerate that is rapidly absorbing its competitors. If it is small business and minorities that the Commission would

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enhance, then the pending applications offer the last bastion of the same that the SMR industry will ever enjoy.

If it is justice, equity and fair treatment of the public that the Commission would like to evince, then the retention of the costly and time consuming work product of countless applicants and their thousands of applications will be the only course. Finally, if the goal is speedy development of SMR (as a competitor to cellular and PCS), the Commission will not want to embark on the torturous and protracted litigation that will surely flow from the capricious rejection of so many applications without the prior notice that the law so clearly requires. MTI urges that no SMR applications--whether previously granted or pending--be returned.

Very truly yours,

MTI, Inc.

By: Charles M. Bruce ced  
Charles M. Bruce  
President

CMB/ced

cc: Commissioners

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