

Tenth Street TV, Inc.

EX PARTE OR LATE FILED

Docket No. 93-252
Ex Parte Presentation

3201-R Westbury Lake Drive, Charlotte, N.C. 28269

August 16, 1994

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 'M' Street, N.W. Room 814, Stop Code 0101
Washington, D.C. 20554

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OFFICE OF SECRETARY

Re: Returning Pending SMR Applications (GN Docket 93-252)

Dear Chairman Hundt:

Tenth Street TV, Inc. (TSTI) respectfully requests that the Commission not return any of TSTI's pending 800 MHz SMR applications, which it apparently is considering as implied in its News Release DC-2638.

TSTI is a small, female-owned business that has had considerable exposure to telecommunications businesses and that has access to sufficient capital to construct and operate SMR and DSMR systems. About a year and a half ago, TSTI retained the experts needed to research the available SMR frequencies and to determine whether it made sense to prepare and file SMR applications or not. During these studies, specific frequencies were studied in various markets. Based on these protracted studies, TSTI decided to prepare and file SMR applications last Fall. Virtually all of those applications remain pending.

Frankly, TSTI cannot understand why or legally how the FCC can return TSTI's pending applications at this very, very late date. Obviously, if the FCC had given even the slightest indication, a year ago, that it might possibly someday re-write its SMR rules and return applications, TSTI would never have filed, BUT the FCC didn't do that. It remained silent, allowing the FCC's rules to speak for it, thus encouraging TSTI and thousands of other firms, to prepare and file SMR applications, along with filing fees for the FCC. During the past two years, TSTI has built its very life around its reliance upon the FCC, its rules, its integrity, its commitment to fair treatment of the public.

The FCC's desire to collect more money or its wish to further expand Nextel, the current owner of the SMR industry, are not sufficient reasons to return pending applications now. The FCC knows this well in its heart, and it should look at itself in the mirror and ask itself how it can possibly, in good conscience, take an action so prejudicial and flatly wrong against so many small businesses. To even think of returning pending applications is beyond the comprehension of any fair person.

Sincerely,



Ass't Sec., Tenth Street TV, Inc.

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