

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

August 24, 1994

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

DOCKET FILE COPY ORIGINAL

**Re: Notice of oral ex parte presentation
GN Docket No. 93-252 -- 800 MHz SMR Application Freeze**

Dear Mr. Caton:

On August 23, 1994, the American Mobile Telecommunications Association, Inc. (AMTA) made an oral ex parte presentation concerning the above-captioned matter to Mr. David R. Siddall, Legal Advisor to Commissioner Ness. AMTA sought clarification on the nature and extent of the application freeze, as outlined in the attached document, entitled "Discussion Points."

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



Jill M. Lyon, Dir. Regulatory Relations
AMTA
1150 18th Street, N.W., Ste. 250
Washington, D.C. 20036
(202) 331-7773

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800 MHz SMR APPLICATION FREEZE

DISCUSSION POINTS

1. In connection with its adoption of a Third Report and Order in its CMRS proceeding, the FCC has imposed a "freeze" on acceptance of "new SMR applications." AMTA urges that the freeze be lifted, as it severely impacts hundreds of small businesses providing cost- and spectrum-efficient communications services to hundreds of thousands of customers across the country.
2. The CMRS proceeding was initiated by Congress to ensure "regulatory parity," which would enhance competition among comparable services. Instead, the Commission has now imposed a freeze on the SMR industry, while "substantially similar", competitive services are free to develop their businesses as they wish.
3. AMTA also urges the Commission to continue processing applications "in the pipeline;" that is, those already filed with the FCC or the designated frequency coordinator. The applicants in this queue represent an investment of tens of millions of dollars in application preparation, frequency coordination and business expansion analysis costs. Applicants committed these funds in reliance on the FCC's existing Rules and policies, to implement long-term business plans which will expand highly competitive wireless systems of significant value to the American public and to the communities in which the jobs they produce will be filled.
4. To the extent the FCC's action was intended to freeze the spectrum used by SMR systems, and thereby enhance its auctionability, it may not have even that result. The FCC has not limited applications from entities eligible for this same 800 MHz spectrum through intercategory sharing, such as Business, Industrial/Land Transportation and Public Safety applicants. In the interests of fairness to earlier-received, now-frozen, applications from SMR licensees, it is AMTA's understanding that the two most active 800 MHz frequency coordinators, NABER and ITA, have ceased filing all 800 MHz applications with the Commission.

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