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December 8, 1994

EX PARTE

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

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DEC - 8 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DOCKET FILE COPY ORIGINAL

RE: PR Docket 93-61, Automatic Vehicle Monitoring Systems

Dear Mr. Caton:

On Thursday, December 8, 1994, the attached was submitted on behalf of AirTouch Teletrac. Please associate this material with the above-referenced proceeding.

Two copies of this notice were submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Please stamp and return the provided copy to confirm your receipt. Please contact me at 202-293-4960 should you have any questions or require additional information concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Q. Abernathy".
Kathleen Q. Abernathy

Attachment

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The new name for PacTel

December 7, 1994

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Dear Commissioner Quello:

As the Commission approaches a decision on the final rules for AVM services in PR Docket 93-61, I want to remind you of AirTouch Teletrac's (Teletrac) leadership in proving the viability of AVM services and bringing these useful and important services to the public. I also want to express my views on suggestions by some in this rulemaking that would inhibit the progress the Commission has sought for LMS. For example, one commenter suggested the Commission should arbitrarily revoke existing valid and legal licenses so that they may be granted to other entities under a new licensing process. Others would have the Commission offer interference protection to unlicensed services in contradiction of established Part 15 rules. All of us at Teletrac appreciate the difficult trade-offs the Commission will have to make in this proceeding, yet we are confident of the FCC's ability to balance competing demands for spectrum and achieve the public interest benefits the Commission envisioned when it established the interim rules and when it later issued the NPRM.

In moving this proceeding forward, it is imperative that the Commission keep in mind that innovators like Teletrac have invested a great deal of time and resources into advancing LMS. And they have done so by relying on the rules and guidelines the Commission adopted in 1974. The Commission put the interim rules in place to stimulate exactly the kind of development that has taken place at Teletrac. Furthermore, it encouraged Teletrac and other LMS operators along the way by granting licenses to build and operate systems.

Teletrac's pioneering work and technical innovation have been instrumental in showing that LMS services are not only possible, but of critical importance to a diverse cross section of our nation's businesses and law enforcement agencies. Our consumer services such as stolen vehicle recovery, emergency roadside assistance, and mobile information services are providing a new level of security and convenience to thousands of individuals. Letters from dozens of Teletrac

John R. Lister
President and
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customers sent to the Commission during this proceeding express this sentiment first hand.

Through its efforts, Teletrac has shown that LMS is a welcome addition to the public's choices for wireless services. The Commission should encourage these efforts by avoiding unnecessary restrictions on the variety of services that may be offered by LMS operators. The greatest public benefit will be serviced by giving LMS operators the maximum flexibility to offer the broad range of location-based services the public wants and needs.

Through our experience and analytical work, we have shown that LMS is compatible with the other services that coexist in the 902-928 MHz band. Where incompatibilities exist, we have pointed them out and have offered many solutions and compromises to resolve or mitigate them. We have provided record evidence based on experience and analysis to help the Commission formulate a proper band plan and service definition, and to ensure workable technical and operating requirements.

It is important to keep in mind that Teletrac has built systems that conform to existing rules and licenses, has provided technical data and experience demonstrating the compatibility of its technology with other users in the band, and has demonstrated that the public wants and needs LMS today. In deciding on final rules for LMS, the Commission must not revoke valid licenses simply to free up spectrum for auctions. The FCC previously stated in the NPRM in this Docket that existing construction waivers granted to licensees by the Licensing Division will "remain in effect" subject to any modifications necessitated in the final rules adopted by the FCC.

Likewise, the FCC should not expect LMS operators to suddenly conform to a new set of technical and operating rules without allowing sufficient time to transition to those new rules. The Commission should not simply shut down the activities of those companies that have invested time and resources in developing systems and that are, as in Teletrac's case, doing business under existing rules. While Teletrac is prepared to migrate to the new set of technical rules the Commission is developing, it must be given sufficient time to do so and has stated its needs for such a transition in the record. Furthermore, we have offered compromises and are prepared to work with the staff to reach an equitable solution.

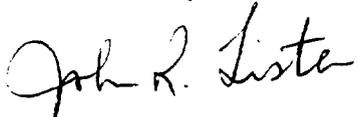
In reaching its decision, the Commission should adhere to its long-standing policy of maintaining a hierarchy between licensed and unlicensed users of the spectrum.

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It should not place arbitrary definitions on the relationship between these entities to create a de facto co-equal status. Attempting to define away interference by an unlicensed device does not actually prevent interference to the licensed user of the spectrum. A better approach is to maintain the band hierarchy between licensed and unlicensed users and create a presumption in favor of the Part 15 devices when specific technical criteria are met. LMS users could rebut this presumption by providing specific technical data demonstrating interference.

I appreciate the significant time and resources the Commission has devoted to this proceeding and, as always, I remain available to respond to any questions you may have.

Yours truly,

A handwritten signature in cursive script that reads "John R. Lister".

John R. Lister
President and Co-CEO

JRL/psh

cc: Lauren ("Pete") Belvin