

AMTA

American Mobile Telecommunications Association

EX PARTE OR LATE FILED

PRESIDENT & CEO

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December 8, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Via Hand Delivery

Ms. Rosalind K. Allen
Commercial Radio Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5202
Washington, DC 20554

Re: **RAM Mobile Data USA L.P.**
Ex Parte Presentation
GN Docket No. 93-252

DOCKET FILE COPY ORIGINAL

Dear Ms. Allen:

The American Mobile Telecommunications Association, Inc. ("AMTA") supports RAM Mobile Data USA Limited Partnership's ("RMD") presentation to the Federal Communications Commission ("FCC" or "Commission") in the above-mentioned proceeding. The presentation, filed October 25, 1994, seeks Commission reconsideration of elements of its Third Report and Order in this docket.¹

AMTA is a nationwide, non-profit trade association dedicated to the interests of what has heretofore been classified as the private carrier industry. AMTA's members include many present and potential 900 MHz SMR licensees, including RMD.

AMTA specifically supports RMD's request that the Commission modify ¶ 119 of the 3rd R&O to require that future MTA licensees afford protection to 900 MHz sites licensed "and subject to pending license application" prior to August 10, 1994. See RMD ex parte filing of October 25, 1994, at 2. Further, AMTA supports RMD's request that the FCC continue to accept and process applications for secondary sites, although there would be no interference protection for sites included in applications filed after August 10, 1994.

Several of AMTA's members are existing 900 MHz SMR licensees who have been developing new technology and providing innovative services to their customers for

¹ Third Report and Order, Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, adopted August 9, 1994 and released September 23, 1994 ("3rd R&O").

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Ms. Rosalind K. Allen
December 8, 1994
Page 2

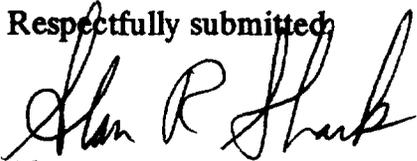
some time. During the suspension of expanded 900 MHz SMR licensing, many licensees assumed substantial business risk by applying for and constructing unprotected secondary sites to permit uninterrupted service coverage and to satisfy customer demand.

AMTA applauds the Commission's decision to afford primary status to those secondary sites licensed prior to August 10, 1994. However, some licensees had filed applications for sites which had been pending at the FCC for some time prior to the August 10 cutoff, but which were granted within days after the cutoff date. Without modification to the 3rd R&O's language, these necessary sites will not receive appropriate interference protection. AMTA respectfully submits that the public interest would be served by providing equivalent protection to these sites by modifying ¶ 119 to include applications received by the FCC prior to August 10, 1994.

Furthermore, additional secondary sites outside Designated Filing Areas will continue to be needed to serve customer demands while 900 MHz wide-area licenses are being granted and systems implemented. AMTA's existing 900 MHz SMR members are willing to construct those sites without any interference protection, and to deconstruct them should interference to wide-area facilities occur. Therefore, AMTA respectfully submits that applications for secondary sites continue to be accepted and processed, with the understanding that no interference protection will be forthcoming for such sites included in applications received by the FCC after the August 10, 1994 cutoff date.

Pursuant to Section 1.1206 of the Commission's Rules, two copies of this written ex parte presentation are being filed with the Secretary's office for inclusion in the public record. If there are any questions concerning this matter, kindly contact the undersigned.

Respectfully submitted



Alan R. Shark
President & CEO

cc: Mr. David Furth
Jonathan L. Wiener, Esq.