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January 26, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

DOCKET FILE COPY ORIGINAL

RE: GN Docket No. 93-252
Ex Parte Comments of Roamer One, Inc.

Dear Mr. Caton:

Enclosed are an original and four copies of the ex parte presentation which Roamer One, Inc. made today to Mr. Rudolfo M. Baca, Legal Advisor to Commissioner Quello.

Please call if you have any questions with respect to this matter.

Respectfully submitted,

William J. Franklin
Attorney for
Roamer One, Inc.

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Roamer One™

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. Ralph Haller
Wireless Telecommunications Bureau
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20006-3404

Dear Mr. Haller

I wish to thank you for taking time from your busy schedule to address the concerns of Roamer One, Inc. The purpose of our visit on January 26, 1995 is to discuss the means by which the 220 MHz industry and the Commission may solve the problems associated with the orderly construction of sites located around the nation. Roamer One feels, as do others, that sufficient time no longer exists to complete any meaningful number of systems prior to the current construction deadline of April 4, 1995. Our thoughts on this matter are summarized in this letter and I would like to have it entered into the public record as an ex parte comment and included in the Competitive Mobile Radio Proceeding, General Docket No. 93-252.

We are aware that Securicor, SEA, and possibly others, have submitted petitions to the Commission for an extension of time to construct. Although we have not had the opportunity to review any of these documents, it would seem that the position taken by SEA encourages the FCC to consider an extension based upon the licensee's ability to confirm equipment orders prior to a deadline date to be set by the Commission. The Securicor approach we understand to be quite a bit broader in scope and identifies several problems but offers no solutions. We hope to keep the Roamer One comments short and succinct while making our position known to the Commission. Perhaps these suggestions may assist the Commissioners in properly assessing the situation as it exists within the infant 220 MHz industry.

I. Intek Diversified Corporation, a publicly traded Delaware corporation, and its wholly owned subsidiary Roamer One, Inc., formerly known as Simrom, Inc., have entered into a contractual agreement with Simmonds Communications, Ltd ("SCL") of Toronto, Ontario for the supply of infrastructure equipment, technical assistance, and engineering design concerning the build-out of 220 MHz transmitter sites managed by Roamer One on behalf of a number of licensees. The orders submitted to SCL as of January 24, 1995 total 443 five channel systems. To date there have been 21 complete systems installed and activated.

II. SCL has placed orders for the necessary component parts to assemble the entire number of systems requested by Roamer One but cannot deliver in a timely manner due to original equipment manufacturer delays and inventory shortages.

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III. SCL and Roamer One have devoted fully twelve months to testing equipment and pursuing solutions to technical problems. The first site was constructed in November 1993 with Uniden equipment and the company was unable to prove the system fully functional as described after one year of retro-fitting and upgrades to software. Uniden has indicated that they will not be able to deliver equipment to Roamer One that would perform to our expectations in the near future.

SEA has superior RF quality but lacks the networking capability and the advanced features that Roamer One is contractually obligated to provide to our clients. SEA claims progress on these fronts and offers promise of completion during roll-out of second generation equipment. A less attractive version of Roamer One's planned equipment deployment, in the event of strict adherence to the construction deadline, would be the utilization of SEA equipment in various portions of the country, then a costly refit of upgrades when they are available. This tactic would only allow for the completion of approximately 100 systems.

Securicor has passed initial testing but cannot deliver in sufficient quantities prior to the April 4, 1995 deadline. A conditional purchase order has been issued to them for 400 systems pending time allotted to construct. The purchase order has been accepted and definitive financial agreements are being crafted.

An additional problem with meeting the existing construction deadline is that peripheral equipment such as combiners, antennas, racks and other parts that are not available in sufficient quantities to complete construction of all systems, even if the repeaters were available from the manufacturers. The required personnel for tower work and installation, together with winter weather conditions, presents additional logistic hurdles that cannot be overcome.

IV. Due to the proprietary nature of the manufacturers' signalling and channel construction, none of these systems are inter-operable. The Roamer One network is to be completed by contractual arrangement with a number of licensees. These licensees have entered into this relationship with the understanding that they will benefit by virtue of common "roaming" agreements, distribution channels to market the subscriber equipment, joint marketing efforts, and sharing of switching equipment. This concept is not possible when employing a variety of incompatible systems solely for the purpose of completion of construction prior to April 4, 1995. The network must function as planned in order for the concept to succeed, the individual licensee to be profitable,

Roamer One to realize its business plan, and the service to be provided to the public.

V. The Evans case, the withdrawal of the filing window for applications for modifications, the conflicting classification of some licensees as immediately CMRS and others PMRS, the change of rules from the date of initial application, difficulty with tower sites caused by a nearly four year delay of implementation after application preparation, coupled with the uncertainty surrounding the handling of 220 MHz licensing (such as auctions, regional areas, modifications, etc.) have all served to slow the development of subscriber equipment, stall the funding of infrastructure equipment costs, and jeopardize the launching of a new technology known as narrowband in the United States.

Roamer One has also encountered inter-mod interference problems within 220 MHz frequency groups that have made certain systems technically and economically infeasible at the same site for which they were granted. Of course, there are also inter-mod problems with 800 MHz, some 900 MHz paging frequencies, and 450 MHz SMR operators on some sites. This has resulted in the realization that only a portion of those licenses granted at a site can actually be built there. It has become a question of whoever gets there first wins. The odd man out has a serious problem, and the risk associated with investing in equipment or moving the location under STA is excessive.

VI. Roamer One does not wish to unduly extend the time to construct, however our position is to allow the construction of systems to continue past the April deadline for those licensees who can demonstrate that a substantial effort to complete their system(s) has been put forth. Roamer One believes that those licensees who have entered into agreements with a management company who in turn; can demonstrate a substantial effort to complete systems on the licensees behalf, who has the expertise to complete the systems on the licensees behalf, and has placed orders on the licensees behalf, should be recognized by the FCC as putting forth the necessary effort to qualify as though the order was placed individually.

VIII. Roamer One suggests that the FCC adopt a procedure whereby on or before April 4, 1995, a licensee may submit a request for additional time to construct. The request must include a confirmation and proof of equipment order together with the projected implementation schedule for completion. Proof of equipment order would typically be evidenced by confirmed return acknowledgement from the vendor. Abuse of the system would be minimized by the manufacturer's reluctance to confirm and

acknowledge unqualified orders. Very little policing of the request process would be required by the FCC as a result of the industry's historical rejection of credit suspect orders.

If the construction deadline for these qualified sites were to be extended for a period of one year, the approximately 3000 five channel trunked systems that are licensed and unconstructed would have to be completed on a schedule of 250 systems per month. A survey of the current 220 MHz equipment suppliers and their vendors would reveal that this level of production is not possible.

IX. Roamer One respectfully submits that the Commission consider an implementation plan for these qualified licensees that would allow 36 months for completion of the systems. It is highly unlikely that the manufacturers will forestall delivery of equipment on confirmed orders and the completion of the systems will progress at a rate equal to that of the industry's capability, and without regulatory intervention. This additional time will allow the FCC to deal with the still open issues of modification dates, auction procedures, and further rule makings concerning SMR and 220 MHz while insuring that the newly emerging narrowband industry has every chance to survive its difficult birth.

X. Roamer One also encourages the FCC to open the window for applications for modifications to the license, specifically for modifications to site location, as soon as possible and certainly prior to accepting any applications for new licenses.

Roamer One is committed to providing the public with the finest SMR service available on 220 MHz. It has been a difficult task to complete, however we are confident that the resourcefulness of the Commission will allow for the full development of narrowband technology potential.

Respectfully,

David Neibert
President