Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of	)	
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Amendment of Part 90 of the	)	
Commission's Rules to Adopt	)	PR Docket No. 93-61
Regulations for Automatic	)	
Vehicle Monitoring Systems	)	

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MOTION FOR MORATORIUM ON FURTHER PUBLIC INSPECTION OF MULTILATERATION MODIFICATION APPLICATIONS

Pinpoint Communications, Inc. ("Pinpoint"), by its attorneys, hereby moves the Commission temporarily to preclude further public inspection of modification applications pursuant to Section 90.363 of the Commission's rules for currently licensed but unconstructed multilateration AVM facilities. Specifically, Pinpoint asks that the Commission immediately preclude such inspection pending the resolution of the Request for Extension of Time filed by Airtouch Teletrac ("Teletrac") on May 22, 1995, in the above-referenced docket (the "Request"). In the event the Request is granted, Pinpoint requests that the preclusion of inspection be extended through the date that Teletrac is permitted to file its modification applications pursuant to Section 90.363.[1] In support of its Motion, Pinpoint states as follows:

1. The deadline for filing modification applications for currently licensed but unconstructed AVM facilities was May 22, 1995, the day the Request was filed.

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[1] Under separate cover, Pinpoint has commented on the Request. *See* Comments of Pinpoint Communications, Inc. on Teletrac's Request for Extension of Time, Docket No. 93-61 (filed May 24, 1995) (a copy is attached hereto). In its Comments, Pinpoint stated that it does not oppose the Request, provided (1) other multilateration licensees are permitted to amend their modification applications or submit new modification applications through the date Teletrac is permitted to file its modification applications, and (2) this Motion is granted.

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Modification applications for Pinpoint's ARRAY™ network were filed in a timely fashion. Presumably, other existing multilateration licensees -- with the exception of Teletrac -- did the same.

2. On May 22, at the very last minute, Teletrac requested a 30-day extension of time, until June 22, 1995, to file its applications for modification of its existing licenses. If the instant Motion is not granted, Teletrac will be able to inspect the modification applications filed by others *before* it files its own applications. This will give Teletrac certain competitive advantages over its rivals. In particular, Teletrac will have the ability to make its selection of markets in which to seek grandfathered status based on the markets in which other licensees seek grandfathered status.[2] Accordingly, Teletrac will be able to make its strategic decisions based on material information that was simply unavailable to its competitors -- *because it alone failed to meet the Commission's deadline.*

3. Teletrac will not be harmed by the grant of this Motion. If the Motion is granted, Teletrac will occupy the same position that it would have had it filed its modification applications in a timely fashion.

4. The *only* way to avoid giving Teletrac the unfair competitive advantages described above is to grant this Motion -- or deny the Request.[3]

WHEREFORE, Pinpoint respectfully requests that the Commission issue an order temporarily prohibiting further public inspection of the modification applications filed

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[2] Teletrac received licenses under the interim rules (former Section 90.239) that give it the flexibility to seek grandfathered status in any combination of the major markets it chooses.

[3] *See* note 1, *supra*.

pursuant to Section 90.363 of the Rules until either (1) the date the Request is denied or (2) the date through which the Commission allows Teletrac to file its modification applications (and others to amend their timely-filed modification applications).

Respectfully submitted,

PINPOINT COMMUNICATIONS, INC.

By: _____

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May 24, 1995

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

APPENDIX

In the Matter of Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems	)))))	PR Docket No. 93-61

COMMENTS OF PINPOINT COMMUNICATIONS, INC.
ON TELETRAC'S REQUEST FOR EXTENSION OF TIME

Pinpoint Communications, Inc. ("Pinpoint"), by its attorneys, hereby comments on the request for extension of time filed by Airtouch Teletrac ("Teletrac") on May 22, 1995, in the above-referenced docket (the "Request"). Specifically, at the last possible moment, Teletrac requested a 30-day extension of time, until June 22, 1995, to file modification applications pursuant to Section 90.363 of the Commission's rules for currently licensed but unconstructed AVM facilities. As explained below, Pinpoint does not oppose the motion provided (1) that all multilateration licensees are given the opportunity to amend their modification applications or to file additional modification applications through June 22, 1995, and (2) the FCC places a moratorium, through June 22, 1995, on further public inspection of the modification applications that have been filed pursuant to Section 90.363.[1]

Teletrac states that, despite the three-and-one-half months that have expired since the Commission issued its *Report and Order* in this proceeding, it needs the additional time

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[1] Pinpoint is filing under separate cover a motion for a temporary moratorium on further public inspection of all multilateration modification applications. (A copy is appended hereto.) Pinpoint requests that such a moratorium be imposed pending the resolution of the Teletrac Request and, if the Request is granted, then through the expiration date of any extension given to Teletrac (and others).

(1) to obtain firm commitments from equipment manufacturers, (2) to ensure that sites are still available for its existing licenses, and (3) to arrange its financing. *Request at 3-4.* Teletrac asserts that the additional month it requests will not prejudice any party that filed timely applications seeking grandfathered status. This is not the case.

The deadline for filing modification applications for currently licensed but unconstructed AVM facilities was yesterday, May 22, 1995, the day the Request was filed. Modification applications for Pinpoint's ARRAY™ network were filed in a timely fashion. Presumably, other existing multilateration licensees -- with the exception of Teletrac -- did the same. If the Request is granted, Teletrac, unlike other multilateration licensees, will have an extra month to select transmitter sites. Moreover, Teletrac alone among multilateration licensees will have the opportunity to inspect the modification applications filed by others *before* it files its own applications. The requested extension may give Teletrac unwarranted competitive advantages, such as selecting cities in which to seek grandfathered status based on the markets in which other licensees seek grandfathered status. Further, Teletrac will have the opportunity to review both the oppositions to and comments on the petitions for reconsideration in this docket (due May 24, 1995) as well as any replies thereto *before* it files its modification applications, an opportunity that others seeking grandfathered status did not have.

Accordingly, to avoid giving Teletrac the potential to reap an unfair advantage over its competitors through the requested extension of time, the Commission should grant its Request on the following conditions: (1) all multilateration licensees shall have the

opportunity to amend their modification applications or file additional modification applications through the date Teletrac is permitted to file its applications, and (2) a temporary moratorium through such date is placed on further public inspection of the modification applications filed by others.

Respectfully submitted,

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May 24, 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 1995, I caused copies of the foregoing "Motion for Moratorium on Further Public Inspection of Multilateration Modification Applications" to be mailed via first-class postage prepaid mail to the following:

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