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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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 RM-8013

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REPLY

Pursuant to § 1.429(f) of the Commission's Rules (47 CFR § 1.429(f)), AT&T Corp. ("AT&T") respectfully submits the following reply to filings regarding the Petitions for Reconsideration ("Petitions") of the Commission's Report and Order ("Order"), FCC 95-41, released February 6, 1995.[1] Parties continue to seek basic changes in the Order's balancing of the divergent needs of the Location and Monitoring Service ("LMS") and Part 15 devices which will be sharing the 902-928 MHz band.[2] AT&T's position, as stated in its comments, is that the rules

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[1] The parties referenced in this reply and the abbreviations used to identify them are set forth in the Appendix.

[2] For example, Teletrac (p. 8), SBMS (p. 8), and Pinpoint (pp. 6-11) still urge reconsideration of the safe harbor under which Part 15 devices meeting certain requirements are considered not to interfere with multilateration LMS systems, and SBMS objects to the band plan established in the Order (pp. 3, 6-8).

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adopted in the Order represent fair compromises permitting such sharing and that the bases of those compromises should not be revisited.[3]

AT&T did, however, support proposals in the Petitions to clarify or modify the rules so as better to implement the balance struck in the Order. Filings responding to the Petitions show that the rules should be improved in those respects.

One area in which AT&T supported such improvement is to establish firmly that the primary purpose of LMS is location, not general messaging. On the other hand, Teletrac's Opposition urges that "voice service should be allowed on a secondary basis," and it should be "the market that determines what service will make the most use of the spectrum" (p. 13). MobileVision's Opposition also insists that such market determination is "necessary" for the deployment of LMS systems (p. 3). This flies in the face of the Commission's intent that LMS not be used for "general messaging purposes" (Order, ¶ 26).[4] Rather than abandoning the balancing of interests embodied in that intent, the

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[3] EIA/CEG articulated this thought as follows: "The Commission should reject requests to weaken the equitable compromise that has been achieved" (p. 2).

[4] Accord: Ad Hoc (pp. 12-13); Cellnet (pp. 8-10); Itron (p. 3); Metricom/SCE (pp. 2-4).

Commission should clarify or tighten the rules to effectuate it. The proposal of Cellnet, which AT&T's comments supported (p. 5), that there be an explicit rule prohibiting general messaging services is appropriately directed to that end.

Similarly, Teletrac's insistence that LMS users need "immediate" location and status information should not lead the Commission to abandon its compromise rule that only "store and forward interconnection" with the public switched network is permitted except in emergencies. Here again, the Commission should clarify its rules to guard against an interpretation that storage can occur only for an instant so that delay in conversation is imperceptible.[5] Time and frequency limits as proposed in UTC's Petition (p. 10), a minimum storage time as proposed in the Petitions of Learning Coalition (p. 13) and Metricom/SCE (p. 15), and a "mailbox" in which messages are independently deposited and retrieved, as SBMS now suggests (p. 17), are appropriate in this regard.[6]

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[5] The Petitions of SBMS (p. 10) and the Part 15 Coalition (p. 12) feared such an interpretation. The confession in MobileVision's Petition (p. 6) that "location services alone do not form the basis for a business case" provides grounds for that fear. AT&T's comments (p. 5) noted that this concern justified clarification of the rule.

[6] TIA's Comments (pp. 11-12) also supported clarification in this area.

A second point of clarification sought by AT&T (p. 7) is to establish that Part 15 devices complying with § 90.361 are protected against claims of interference from grandfathered Automatic Vehicle Monitoring ("AVM") systems, as well as new LMS systems.[7] As AT&T noted, the rules appear drafted inadvertently to negate such protection.[8]

On the other hand, SBMS argues that § 90.363(c), entitling existing multilateration AVM systems to continue to operate in their licensed spectrum until the April 1, 1998 date for conversion to the new spectrum, "must" mean that the safe harbor applies only after that date (p. 12). However, nothing in the Order indicates that grandfathered AVM systems and new LMS systems are different in this regard, and the Commission would not have established such an important distinction without any explanation. Moreover, SBMS' argument about the transition date is disingenuous: SBMS' position is that the Commission's balancing of the interests of LMS systems and Part 15 devices "impermissibly amended Part 15," because it is contrary to the secondary

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[7] The Part 15 Coalition made that proposal in its Petition (p. 12). In addition to AT&T, it is supported by Ad Hoc (p. 16) and TIA (p. 13).

[8] The inadvertence is that the safe harbor for complying Part 15 devices applies in terms only to LMS systems operating in an MTA sub-band, while grandfathered AVM systems were not licensed on an MTA basis.

status of those devices, whether effective before or after the April 1, 1998 date (pp. 8,12). The comments of the Part 15 Coalition (p. 9) demonstrate that the presumption of non-interference does not constitute a rewrite of Part 15 and is within the Commission's statutory authority. The grace period for converting to new spectrum is precisely that: it does not mean that during the grace period grandfathered systems can force the shutdown of interfering Part 15 devices that comply with the Commission's standards.

Respectfully submitted,

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Dated: June 7, 1995

APPENDIX

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Air Touch Teletrac - Teletrac
Cellnet Data Systems, Inc. - Cellnet
Connectivity for Learning Coalition - Learning Coalition
Consumer Electronics Group of the Electronic
Industries Association - EIA/CEG
Itron, Inc. - Itron
Metricom, Inc. and Southern California Edison Company
- Metricom/SCE
MobileVision, L.P. - MobileVision
Part 15 Coalition
Pinpoint Communications, Inc. - Pinpoint
Southwestern Bell Mobile Systems, Inc. - SBMS
Telecommunications Industry Association,
User Premises Equipment Division,
Wireless Communications Section - TIA
UTC

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