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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

September 21, 1995

HAND DELIVERED

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Stop Code 1170
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
PR Docket No. 93-61
Location and Monitoring Service

Dear Mr. Caton:

On behalf of Southwestern Bell Mobile Systems ("SBMS") and pursuant to Section 1.1206 of the Commission's Rules, this is to transmit two copies of the attached written ex parte presentation.

Sincerely,

Nadja S. Sodos
Nadja S. Sodos

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William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Stop Code 1170
Washington, D.C. 20554

Re: Ex Parte Submission
PR Docket No. 93-61

Dear Mr. Caton:

On behalf of Southwestern Bell Mobile Systems, Inc. ("SBMS"), this letter is filed to urge immediate Commission action on SBMS' pending LMS applications (both initial and modification) and to support, except where noted below, an ex parte letter filed on August 22, 1995 ("August 22 Letter") by AirTouch Teletrac ("Teletrac") MobileVision, L.P. ("MobileVision"), Pinpoint Communications, Inc. ("Pinpoint") and Uniplex Corporation ("Uniplex") (collectively the "Other LMS Parties") with the Commission on August 22, 1995 ("August 22 Letter").

Need for Expedited Action on Initial and Modification Applications

SBMS urges the Commission to take immediate action on the outstanding modification applications for grandfathered licenses and related waiver requests for still pending initial applications. Unconstructed grandfathered LMS licensees have until April 1, 1996 to construct their systems. Until the Commission grants the outstanding modification applications (including, in SBMS' case, certain initial applications which should have been granted prior to February 3, 1995), licensees cannot begin construction of those systems.

Out-of-Band Emissions Mask

In its Petition for Reconsideration of the Report and Order, SBMS, in agreement with the Other LMS Parties, stated that the emission mask requirement adopted by the Report and Order is technically impossible without redesign of all multilateration LMS

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systems.^{1/} SBMS has recommended the following out-of-band emission mask standard with which it believes the Other LMS Parties concur: in any 100 kHz band, the center frequency of which is removed from the center of the authorized sub-band(s) by more than 50 percent up to and including 250 percent of the authorized bandwidth, the mean power of emissions shall be attenuated below the maximum permitted output power,^{2/} as specified by the following equation, but in no case less than 31 dB:

$A=16+0.4(P-50)+10\log B$ (attenuation greater than 66 dB is not required)

A=attenuation (in decibels below the maximum permitted output power level),

P=percent removed from the center of the authorized sub-band(s),

B=authorized bandwidth in MHz.

For the LMS high power narrowband forward link emissions, the power of any emission shall be attenuated below the transmitter power (P), in accordance with the following schedule: on any frequency outside the authorized sub-band and removed from the edge of the authorized sub-band by a displacement frequency (fd in kHz), at least $116\log_{10}((fd+10)/6.1)$ decibels or $50+10\log_{10}(P)$ decibels or 70 decibels, whichever is the lesser attenuation. A minimum spectrum analyzer resolution bandwidth of 300 Hz shall be used when showing compliance.

The out-of-band emissions that would result from adoption of the above requirement will still be substantially less than the noise caused by Part 15 devices in the band and will permit full deployment of LMS without significant redesign and resulting costs.

Testing of Grandfathered Systems

The Part 15 community argues that grandfathered LMS licenses should be required to demonstrate through field tests that those systems do not cause interference to Part 15 devices. SBMS has

^{1/} SBMS Petition for Reconsideration at 21-23.

^{2/} A maximum permitted output power of 30 W is assumed. Any variation in the permitted output power may require a modification to the equation.

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opposed this notion throughout the proceeding,^{3/} as have the Other LMS Parties, because such a requirement would interfere with service to the public, as grandfathered systems would have to either discontinue or delay service in order to test their systems. In addition, requiring testing of grandfathered systems would be in conflict with the purposes underlying adoption of grandfathering provisions in the first place. Grandfathering was adopted to avoid hardship to existing licensees and in recognition of some equitable entitlement by licensees who constructed and began operation in accordance with their licenses.^{4/5/} Requiring testing now would clearly be contrary to the public interest as it would disrupt service, increase costs and punish those licensees who have been operating pursuant to authorized parameters. Moreover, as the Other LMS Parties note, the data already submitted to the Commission demonstrated that the potential for interference to Part 15 users is far less than suggested by the Part 15 Coalition.

Type Acceptance

SBMS agrees with the position stated by the Other LMS Parties in the August 22 letter.

Relocation of Grandfathered Sites

SBMS agrees with the Other LMS Parties that the current 2 kilometer distance restriction on replacement site locations is unworkable. However, it proposes a site relocation/addition rule different than that proposed by the Other LMS Parties. In order to provide service as originally intended as indicated in SBMS' answer to item 13 on its original FCC Forms 574 (where it proposed a 75 mile radius for its "area of operation"), SBMS would need to be able to relocate and add transmitters permissively within a 75 mile radius from the center point of the "area of operation" for which it originally applied. Such relocation and addition of sites would not serve to expand SBMS' coverage area, but would only allow it to provide service to its originally proposed coverage area, taking into account the fact that many originally proposed sites are no longer available.

^{3/} SBMS Opposition to Petition for Reconsideration at 9-10, SBMS Reply at 4.

^{4/} See Report and Order at 43.

^{5/} The special equities that exist for long pending applications which should have been granted prior to February 3, 1995 under normal processing are more fully explained in SBMS's waiver request filed with its modification applications in May of 1995.

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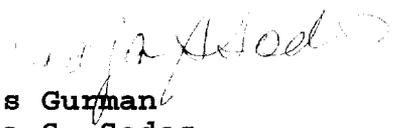
Precedent for such a rule clearly exists. The Commission has already adopted a similar rule for 900 MHz SMR whereby incumbent 900 MHz licensees are permitted to add new transmitters within their existing service area as long as they do not expand their original 40 dBu signal strength contour.^{6/} In SBMS' applications, it specified a 75 mile "area of operation". SBMS would be willing to scale this back to ensure that transmitters within the "area of operation" operate such that the signal remains within that boundary.

In the alternative, SBMS continues to support the earlier recommendation of Pinpoint that grandfathered licensees be permitted to relocate and build new facilities anywhere within the BTA in which it is licensed.^{7/}

Conclusion

For the reasons stated above, and in previous filings, SBMS respectfully requests that the Commission adopt Rules consistent with this letter.

Very truly yours,


Louis Gurman
Nadja S. Sodos

cc: Rosalind K. Allen, Chief, Commercial Wireless Division
Sally Novak, Acting Deputy Chief, Commercial Wireless Division
Ibn Spicer, Staff Attorney, Commercial Wireless Division
Jay Jackson, Engineering Advisor, Commercial Wireless Division
Kathleen Q. Abernathy, Esquire
McNeil Bryan, President
David E. Hilliard, Esquire
Graham Smith, Director

^{6/} See 47 C.F.R. §90.667(a) (permitting relocation and addition of new sites permissibly); 900 MHz Second Report and Order, PR Docket 89-553, FCC 95-159 (rel. April 17, 1995) at ¶46. The Commission has also proposed a similar rule for the 220 MHz service, whereby incumbent 220 MHz licensees will be permitted to add sites anywhere in their service area as long as they do not exceed the 38 dBuV/m predicted field strength anywhere within the existing service area contour. 220 MHz Fourth Notice of Proposed Rulemaking, PR Docket 89-381, FCC 95-381 (rel. Aug. 29, 1995).

^{7/} Pinpoint Petition for Reconsideration at 13-17.