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October 17, 1995

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Hand-Delivered

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

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OCT 17 1995

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

Re: Ex Parte Presentation by the Association of American
Railroads (AAR) in PR Docket No. 92-235

Dear Mr. Secretary:

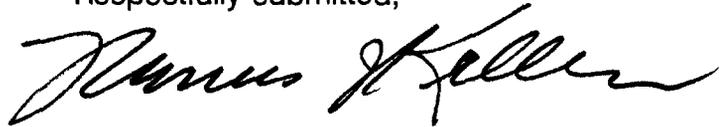
Pursuant to Section 1.1206(a)(1) of the Commission's rules, we are hereby filing on behalf of the Association of American Railroads (AAR) a copy of a written ex parte presentation that was sent on this date to Mr. Laurence Atlas, Associate Bureau Chief, Wireless Telecommunications Bureau.

AAR's presentation consists of a courtesy copy to Mr. Atlas of a letter from Mr. Hugh Henry of AAR to Mr. Charles M. Meehan of UTC disputing UTC's September 13 ex parte presentation to Mr. Atlas.

This filing should be associated with the Commission's record in PR Docket No. 92-235.

Any questions concerning this matter should be directed to the undersigned.

Respectfully submitted,



Thomas J. Keller

Enclosure

cc w/enc.: Mr. Laurence Atlas

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ASSOCIATION
OF AMERICAN
RAILROADS



Hugh B. Henry
Executive Director, C & S Division

(202) 639-2214
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October 16, 1995

Mr. Charles M. Meehan
UTC, The Telecommunications Association
1140 Connecticut Avenue, Suite 1140
Washington, DC 20036

Dear Mr. Meehan:

It has come to our attention that on September 13, 1995, UTC met with Laurence Atlas, Associate Bureau Chief of the Wireless Telecommunications Bureau, to discuss consolidation of the Private Land Mobile Radio ("PLMR") service pools. According to UTC's September 14 ex parte filing, you recommended that the twenty current pools be consolidated into three:

- (1) police, fire and emergency services;
- (2) utilities, pipelines, railroads and the remaining public safety entities; and
- (3) all other services.

UTC's proposal, if adopted, would have a direct impact on railroad communications and railroad operations. Unfortunately, however, UTC did not see fit to notify the railroads or their representatives that this presentation was going to be made to the FCC.

UTC's unilateral action was completely at odds with the FCC's specified procedure for addressing the question of service consolidation, and it frustrates the goal of obtaining a result "that reflects the interests and needs of the PLMR community" and is "mutually agreeable, reasonable and workable." Refarming Report and Order at ¶ 50. The FCC's stated objective was a consensus position on service consolidation.

Mr. Charles M. Meehan
Page Two

In keeping with that objective, AAR has participated in broad-based discussions with other industry groups regarding consolidation. Although the railroad industry's position on this issue historically has favored preservation of the Railroad Radio Service, we have approached these discussions with an open mind and have not foreclosed any reasonable alternative.

Obviously, UTC is free to tell the FCC whatever it wants, whenever it wants to. Nevertheless, we believe the most prudent and potentially productive course would have been for all the PLMR users to have had a fair opportunity to arrive at a consensus among themselves before any one of them went charging off to the FCC advancing any particular proposal or agenda. In that regard, we believe UTC's presentation to the FCC regarding its own private solution for service consolidation was premature and inappropriate, especially since it was done without consultation with at least one other major user group directly affected by it -- the railroad industry.

There is another reason why UTC's presentation concerns us. Parties who have been advocating consolidation have claimed all along that their frequency coordinators will be willing and able to safeguard the needs and interests of all users -- not just their own members -- in the larger, consolidated frequency pools. We regret to say that UTC's unwillingness to consult with AAR about the September 13 presentation has not given AAR any reason to be confident of UTC's willingness as a coordinator to be mindful of railroad interests if consolidation were to occur.

Finally, had UTC made the effort to confer with the railroads before making its proposal, it would have learned that railroad radio usage is different from that of the utilities, pipelines and other users whom UTC unilaterally decided to group with the railroads on the basis that they are all "compatible users." A cornerstone of the North American railroad mobile radio network is the need for nationwide interoperability -- a requirement that does not exist for any other PLMR user group.

Mr. Charles M. Meehan
Page Three

Interoperability is necessary so that railroad vehicles travelling over foreign rights-of-way can communicate with (1) dispatchers issuing track warrants authorizing use of main line track, (2) yardmasters and switch crews engaged in assembly and disassembly of trains, (3) crews servicing the right-of-way and adjacent equipment, and (4) trackside defect detectors. While the utilities and other user groups may sometimes have a need for regional compatibility, these requirements are simply not comparable to the unique need in the railroad industry for nationwide interoperability.

In summary, the FCC said that it could not act on consolidation until it heard directly from the affected users, pointing out that "PLMR users can best assess their needs." Refarming Report and Order at ¶ 50. AAR agrees with that sentiment. We believe that the wisest course at this time is for affected user groups to talk to each other about the pros and cons of consolidation and to try to reach a consensus by the November 20 deadline, not for any single group to take it upon itself to tell the FCC unilaterally what is best for everyone else.

Sincerely,



Hugh B. Henry
Executive Director

Enclosure

cc(w/encl): Laurence Atlas



The Telecommunications Association

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

September 14, 1995

DOCKET FILE COPY ORIGINAL

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

Ex Parte

Re: ET Docket No. 92-9 ✓
PR Docket No. 92-235

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to notify you that Charles M. Meehan, representing UTC, The Telecommunications Association (UTC), met yesterday afternoon with Laurence Atlas, Associate Bureau Chief of the Wireless Telecommunications Bureau.

During this meeting, UTC's position on the consolidation of the radio service pools, as proposed by the Commission in PR Docket No. 92-235, was discussed. UTC outlined its recommendation that the current pools be consolidated into three pools -- one for police, fire and emergency services, one for utilities, pipelines, railroads and the remaining public safety entities, and a pool for all other services. UTC noted that its proposal meets the Commission's stated goals for the consolidation of the current radio service pools, is simple to implement and places compatible users in the same pools.

The Commission's rules for the relocation of incumbents from the 2 GHz band was also discussed. UTC noted that negotiations between PCS licensees and incumbents are resulting in successful relocation agreements, contrary to the PCS industry's claims. Therefore, UTC noted there is no reason to modify the rules adopted by the Commission in ET Docket No. 92-9.

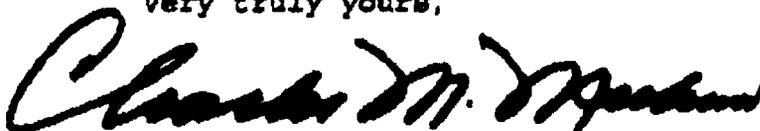
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Letter to W. Caton
September 14, 1995
Page 2

Two copies of this notice are being filed for inclusion in the docket.

Should any questions arise concerning this matter, please contact the undersigned.

Very truly yours,



Charles M. Meehan
Executive Director

cc: Laurence Atlas, Esq.