

- ▶ **Designated Entities** -- unexpectedly, the Bureau proposes no small business credits to bidders on wide-area licenses, but would make these available in future auctions of lower-band channels. There would also be no entrepreneurs' block in the upper 200 channels; instead, the Bureau proposes that all lower-band channels be considered entrepreneurs' blocks, with eligibility limited to non-wide-area licensees. [AMTA had requested a bidding preference for incumbents in the upper-band auctions.]

Parties wishing to discuss the above recommendations with Bureau staff are requested to contact Jackie Miller in the Commercial Wireless Division, at 202-418-0620, to schedule appointments. The Bureau does not recommend that parties meet with Bureau Chief Regina Keeney, but says that "front office" representatives will come to meetings as possible.

AMTA welcomes your comments or questions on this proposal, including recommendations concerning our possible response. If you file a written *ex parte* response with the Bureau, we would appreciate a copy. While Alan and I will be out of the office most of this week, please feel free to contact either of us next week at 202-331-7773.

**EXHIBIT B**

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***CHRONOLOGY OF  
THE FCC'S WIDE-AREA SMR  
LICENSING PROCEEDING***

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## **CHRONOLOGY OF THE FCC'S WIDE-AREA SMR LICENSING PROCEEDING**

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1. **August 10, 1993:** *Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI Section 6002(b), 107 Stat. 312 (1993)*
  - Congress created the "Commercial Mobile Radio Service" ("CMRS") regulatory classification and concluded that all CMRS should be regulated as common carriers under Title II of the Communications Act.
  - Congress mandated that the FCC establish new rules and regulations for the reclassified CMRS providers, such as SMRs, by August 10, 1994 to achieve regulatory parity among competing CMRS providers. See Budget Act, Section 6002(d)(3); see also H.R. Rep. No. 111, 103d Cong., 1st Sess., at p. 262.
  - Congress also granted the FCC auction authority. Budget Act, Section 6002(a).
  
2. **October 8, 1993:** *Notice of Proposed Rule Making, GN Docket No. 93-252, 8 FCC Rcd 7988 (1993)*
  - FCC proposal to implement the newly-created "CMRS" classification by defining it and identifying the various mobile services that would fall into that classification; also proposed to delineate which of the Title II common carrier provisions would be applicable to CMRS.
  - Comments:                    **November 8, 1993**                    (over 70 pleadings filed)
  - Reply Comments:        **November 23, 1993**                    (over 20 pleadings filed)
  
3. **March 7, 1994:** *Second Report and Order, GN Docket No. 93-252, 9 FCC Rcd 1411 (1994)*
  - FCC concluded that "CMRS" encompasses all mobile services that are (a) interconnected to the public switched telephone network, (b) provided for profit, and (c) offered to the public or a substantial portion thereof.
  - Pursuant to the Budget Act, FCC also concluded that no preexisting, reclassified CMRS provider (*i.e.*, a private mobile service (SMR) provider

that will prospectively be a CMRS provider) would be regulated as a common carrier until August 10, 1996.

4. **May 20, 1994: *Further Notice of Proposed Rule Making, GN Docket No. 93-252, 9 FCC Rcd 2863 (1994)***

- After having defined which services are "CMRS," the FCC proposed to amend the technical, operational and licensing rules of all mobile services, as necessary, to ensure that "competing mobile services would be subject to comparable regulatory requirements." 9 FCC Rcd 2863 at para. 3.
- **Comments: June 20, 1994** (over 60 pleadings filed)
  - The Law Firm of Brown & Schwaninger (counsel for "Movants" in the December 4, 1995 "Motion to Defer Action") filed on behalf of themselves.
- **Reply Comments: July 11, 1994** (over 50 pleadings filed)
  - Brown & Schwaninger filed reply comments on behalf of some 20 different SMR companies, some of which are part of the "Movants" group.
  - Southeastern SMR Association (represented by Ray Kimball, who later became counsel for "SMR WON," an association of small SMRs with members who have joined in with the "Movants" group) filed reply comments.

5. **September 23, 1994: *Third Report and Order, GN Docket No. 93-252, 9 FCC Rcd 7988 (1994)***

- FCC revised technical, operational and licensing rules for all mobile services.
- FCC concluded that wide-area SMRs must be licensed in a manner similar to other CMRS providers, such as cellular and Personal Communications Services. 9 FCC Rcd 7988 at para. 95.
- FCC concluded that these licenses must be auctioned, but stated that it would seek further comment on the appropriate licensing process for wide-area SMRs.

- Petitions For Reconsideration of Third Report and Order:      **December 21, 1994**      (over 10 pleadings filed)
    - SMR WON filed a petition arguing, among other things, that the FCC has no authority to auction wide-area SMR licenses.
  
  - Reply To Opposition To Petition For Reconsideration:      **January 30, 1995**
    - SMR WON filed in response to the opposition.
- 6.      November 4, 1995: *Further Notice of Proposed Rule Making, PR Docket No. 93-144, 9 FCC Rcd 1647 (1994)***
- FCC sought comments on the specific implementation of a geographic-area based license for wide-area SMRs -- including the size of the channel block, the geographic area contained therein, mandatory retuning of incumbent licensees, the appropriate auction rules, etc.
  
  - Comments:      **January 5, 1995**      (over 70 pleadings filed)
    - Brown & Schwaninger filed individual comments on behalf of nearly 30 SMR operators -- many of which are now part of the "Movants".
  
    - The "SMR Small Business Coalition" filed comments.
  
    - SMR WON filed three-inch thick comments.
  
  - Reply Comments:      **March 1, 1995**      (over 40 pleadings filed)
    - Brown & Schwaninger filed individual comments on behalf of approximately 15 SMRs.
  
    - Some twenty individual SMR companies filed their own comments, *i.e.*, no legal counsel was named -- each pleading was nearly identical, and some of the commenters were formerly represented by Brown & Schwaninger.
  
    - Some 50 individual SMR companies filed a single pleading called the "Joint Commenters" pleading -- some of which are now part of the "Movants" group.

- SMR WON filed reply comments.

- Public Meeting of the Wireless Telecommunications Bureau:

**September 18, 1995**

- The Bureau, which consists of the FCC Staff who make recommendations to the FCC Commissioners for their final decision, held a public meeting where the Staff announced its proposed recommendations to the FCC.
- In an unprecedented move, the Bureau solicited industry comments (oral and written) on its normally confidential recommendations.

- Supplemental Comments:

**September 29, 1995 (over 12 pleadings filed)**

- A group of "Movants," represented by Brown & Schwaninger, filed supplemental comments -- many of which are the same "Movants" in the December 4, 1995 Motion to Defer.
- SMR WON did not file supplemental comments, but Ray Kimball, SMR WON's counsel, did file on behalf of the Small Business SMR Operators (five SMR operators who are members of SMR WON).

**\*\* *since the initiation of the CMRS rule making, some 350 pleadings have been filed at the Commission in these proceedings***

## **EXHIBIT C**

**For Release: March 13, 1995**



*Building the  
Wireless Future™*

**CTIA**

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**1995 WIRELESS INDUSTRY SURVEY RESULTS:  
'AMERICAN SUCCESS STORY' CONTINUES**

**Six-Month & Annual Revenues Reach All-Time High  
Nearly \$3 Billion Capital Investment in 1994  
More Than 14,000 New Jobs Created  
Customer Growth Soars Upward, Monthly Bills Drop**

WASHINGTON, D.C. – The wireless telecommunications boom continues, according to annual industry statistics released today. In 1994, the industry added more than 8 million customers -- about twice as many cellular phones sold as babies born in the United States.

"Just imagine, if all these new customers lived in one place, it would be the tenth largest state in terms of population," explained Thomas E. Wheeler, president of the Cellular Telecommunications Industry Association (CTIA). "The astounding growth clearly demonstrates the popularity of wireless telecommunications and the stimulative effect of a competitive marketplace."

According to results of CTIA's semi-annual survey, the total number of cellular customers in the United States grew 50 percent in 1994, totaling more than 24 million at the end of the year.

CTIA said 28,000 new customers across the nation are signing up for cellular service each day. In February 1995, the cellular customer base reached 10 percent national penetration, and the Sioux Valley Hospital Outreach Program of Sioux Falls, South Dakota, was cited as the symbolic 25 millionth customer.

"I'm running out of superlatives to describe the wireless industry's amazing performance," said Wheeler. "The industry, which posted record gains in revenues, capital investment, new jobs, and cell sites, is a real life example to regulators and legislators of what can happen when competition is allowed to function in lieu of government intervention in the marketplace."

Cellular revenues for the past six months topped \$7.7 billion -- 27 percent higher than the second-half revenues for 1993. Total revenues for 1994 grew to more than \$14 billion, an increase of 30 percent from 1993's total of \$10.9 billion.

"The revenue figure for the last six months alone was higher than the *annual* rate for each of the first seven years of the industry," said Wheeler.

Roaming revenues -- charges to cellular subscribers using their phones while away from home -- totaled \$1.83 billion in 1994, compared to \$1.36 billion in 1993. In the last six months of 1994 alone, roaming revenues exceeded \$1 billion for the first time, up more than 34 percent from the same time period in 1993.

While revenues continued to rise, the monthly prices for wireless service continued to decline. The average monthly customer bill dropped to \$56.21, compared to the 1993 average of \$61.48 per month. This amounts to nearly a 41 percent decline since 1987, when the average monthly bill was \$96.83.

"In other words, for only \$1.85 a day, cellular customers can communicate where and when they want, and gain added personal convenience and safety," said Wheeler.

To keep pace with the remarkable growth and to ensure customer satisfaction, the cellular industry invested a record \$2.8 billion in new equipment and infrastructure during the last six months of 1994, bringing the cumulative total since the industry began in 1983 to nearly \$19 billion.

In 1994, cellular carriers created 14,127 new jobs, with 8,296 new employees added in the last six months. The number of employees increased 35 percent during 1994. This means that cellular carriers have now created 53,902 new jobs in the past 11 years. When related service and manufacturing activities are included, approximately 250,000 jobs have been created by the cellular industry.

The number of new cell sites, the basic building blocks of a cellular system, increased by 3,180 during the second half of 1994. New cells increase capacity, fill in unserved areas, improve voice quality, and lower power needs. The number of cell sites across the nation increased by more than 5,500 -- a 40 percent increase -- in 1994 to a total of 17,920.

CTIA, formed in 1984, is the national organization of the wireless communications industry, both wireless carriers and manufacturers. Twice a year, CTIA surveys the 1,581 cellular systems that provide service in 734 markets across the United States. The data is compiled and tabulated by Farren & Lanman, an independent accounting firm.

The membership of CTIA now covers all Commercial Mobile Radio Service providers, including cellular, personal communications services, enhanced specialized mobile radio, and mobile satellite services.

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Additional information on the wireless industry is available in the 1995 Wireless SourceBooks available from CTIA. \$70 members, \$100 nonmembers. The 1995 edition of the Wireless SourceBooks have been expanded to include information on PCS, E/SMR, and Mobile Satellite as well as cellular telecommunications. For ordering information call 202-785-0081. For news/media inquiries contact Mike Houghton, director for news media relations at 202-736-3207.

| Date      | Subscribers | Six-Month Revenues | Roamer Services | Cell Sites | Employees | Cumulative Capital Investment | No. of Systems | Avg. Bill (mon.) | Average Call Length (in min.) |
|-----------|-------------|--------------------|-----------------|------------|-----------|-------------------------------|----------------|------------------|-------------------------------|
| Dec. 1984 | 91,600      | \$ 178,085,000     |                 | 346        | 1,404     | \$ 354,760,500                | 32             |                  |                               |
| June 1985 | 203,600     | \$ 176,231,000     |                 | 599        | 1,697     | \$ 588,751,000                | 65             |                  |                               |
| Dec. 1985 | 340,213     | \$ 306,197,000     |                 | 913        | 2,727     | \$ 911,167,000                | 102            |                  |                               |
| June 1986 | 500,000     | \$ 360,585,000     |                 | 1,194      | 3,556     | \$ 1,140,163,000              | 129            |                  |                               |
| Dec. 1986 | 681,825     | \$ 462,467,000     |                 | 1,531      | 4,334     | \$ 1,436,753,000              | 166            |                  |                               |
| June 1987 | 883,778     | \$ 479,514,000     |                 | 1,732      | 5,656     | \$ 1,724,348,000              | 206            |                  |                               |
| Dec. 1987 | 1,230,855   | \$ 672,005,000     |                 | 2,305      | 7,147     | \$ 2,234,635,000              | 312            | \$96.83          | 2.33                          |
| June 1988 | 1,608,697   | \$ 886,075,000     |                 | 2,789      | 9,154     | \$ 2,589,589,000              | 420            | \$95.00          | 2.25                          |
| Dec. 1988 | 2,069,441   | \$1,073,473,000    | \$ 89,331,000   | 3,209      | 11,400    | \$ 3,274,105,000              | 517            | \$98.02          | 2.26                          |
| June 1989 | 2,691,793   | \$1,406,463,000    | \$121,368,000   | 3,577      | 13,719    | \$ 3,675,473,000              | 559            | \$85.52          | 2.35                          |
| Dec. 1989 | 3,508,944   | \$1,934,132,000    | \$173,199,000   | 4,169      | 15,927    | \$ 4,480,141,752              | 584            | \$89.30          | 2.48                          |
| June 1990 | 4,368,686   | \$2,126,362,000    | \$192,350,000   | 4,768      | 18,973    | \$ 5,211,765,025              | 592            | \$83.94          | 2.32                          |
| Dec. 1990 | 5,283,055   | \$2,422,458,000    | \$263,660,000   | 5,616      | 21,382    | \$6,281,596,000               | 751            | \$80.90          | 2.20                          |
| June 1991 | 6,380,053   | \$2,653,505,000    | \$302,329,000   | 6,685      | 25,545    | \$7,429,739,000               | 1,029          | \$74.56          | 2.20                          |
| Dec. 1991 | 7,557,148   | \$3,055,017,000    | \$401,325,000   | 7,847      | 26,327    | \$8,671,544,000               | 1,252          | \$72.74          | 2.38                          |
| June 1992 | 8,892,535   | \$3,633,285,000    | \$436,725,000   | 8,901      | 30,595    | \$9,276,139,000               | 1,483          | \$68.51          | 2.38                          |
| Dec. 1992 | 11,032,753  | \$4,189,441,000    | \$537,146,000   | 10,307     | 34,348    | \$11,262,070,000              | 1,506          | \$68.68          | 2.58                          |
| June 1993 | 13,067,318  | \$4,819,259,000    | \$587,347,000   | 11,551     | 36,501    | \$12,775,967,000              | 1,523          | \$67.31          | 2.38                          |
| Dec. 1993 | 16,009,461  | \$6,072,906,000    | \$773,269,000   | 12,805     | 39,775    | \$13,946,406,629              | 1,529          | \$61.48          | 2.41                          |
| June 1994 | 19,283,306  | \$6,519,030,599    | \$778,115,600   | 14,740     | 45,606    | \$16,107,920,531              | 1,550          | \$58.65          | 2.36                          |
| Dec. 1994 | 24,134,421  | \$7,710,890,665    | \$1,052,666,300 | 17,920     | 53,902    | \$18,938,677,819              | 1,581          | \$56.21          | 2.24                          |

## CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 7th day of December 1995, I caused a copy of the attached Opposition And Motion To Dismiss Unauthorized Pleadings of Nextel Communications, Inc. to be served by hand delivery or first-class mail, postage prepaid to the following:

Chairman Reed E. Hundt  
Federal Communications Commission  
Room 814  
1919 M Street, NW  
Washington, D.C. 20554

Commissioner James H. Quello  
Federal Communications Commission  
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Commissioner Andrew C. Barrett  
Federal Communications Commission  
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Commissioner Rachelle B. Chong  
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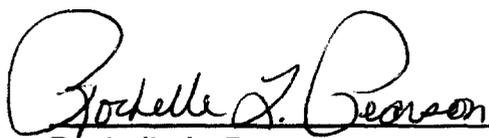
Commissioner Susan Ness  
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Rochelle L. Pearson