

EX PARTE OR LATE FILED



Building The
Wireless Future™

March 1, 1996

CTIA

Cellular
Telecommunications
Industry Association
1250 Connecticut
Avenue, N.W.
Suite 200
Washington, D.C. 20036
202-785-0081 Telephone
202-785-0721 Fax

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

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Ex Parte Contact: Microwave Relocation -
WT Docket No. 95-157, RM 8643

MAR - 1 1996

Dear Mr. Caton:

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

On Friday, March 1, 1996, Mr. Thomas E. Wheeler, President and CEO, CTIA, sent the accompanying letter regarding relocation of fixed microwave users to Michele C. Farquhar, Chief, Wireless Telecommunications Bureau.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter and the attachment are being filed with your office.

If there are any questions in this regard, please contact the undersigned.

Sincerely,

Robert F. Roche

Attachments

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Building The
Wireless Future.

March 1, 1996

Michele Farquhar, Chief
Federal Communications Commission
Wireless Telecommunications Bureau
2025 M Street, N.W.
Suite 5002
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: WT 95 - 157; RM 8643
Relocation of Microwave Incumbents;
Disclosure and Approval Requirements for PCS Testing

Dear Ms. Farquhar:

In the continuing struggle over the speedy relocation of fixed microwave users from the 2 GHz band, Keller and Heckman, by letter dated December 22, 1995, has told the Commission that PCS providers are failing to comply with the prior coordination notice in violation of FCC rules.¹ Keller and Heckman states that PCS carriers are conducting tests for extended periods of time without providing adequate notification as required by Commission rules.² To remedy these allegations, Keller and Heckman advises the FCC to issue a *Public Notice* which makes clear the FCC's PCN requirements for interference protection.

Such allegations could be viewed merely as microwave incumbents ratcheting up the dispute. If, however, there is an issue here, it surely must be amenable to resolution by responsible parties of good faith.

PCS licensees are well aware of their obligations pursuant to §24.237 and intend to comply fully with those obligations. Another *Public Notice* is not required.

¹ See Keller and Heckman letter to Michele Farquhar, Chief, Wireless Telecommunications Bureau, dated December 22, 1995.

² *Id.* at 2.

As §24.237 states, “[p]roblems that arise during the coordination process are to be resolved by the parties to the coordination.”³ In keeping with the intent of this rule, CTIA proposes to create an *ad hoc* industry working group, comprising representatives from microwave incumbents, PCS licensees, UTAM and the FCC, to determine mutually acceptable procedures for coordinating testing. These procedures will permit expeditious testing of PCS systems while safeguarding against harmful interference.

CTIA will contact Keller & Heckman to seek its cooperation and collaboration on behalf of its clients in the creation of the *ad hoc* industry working group. In so doing, it is CTIA’s hope that the next correspondence the FCC receives in the matter of coordination notification is the *ad hoc* working group’s recommendations.

CTIA’s goal is to facilitate the orderly and speedy relocation of microwave incumbents. In the FCC’s proceeding regarding amendment of the PCS microwave relocation rules, CTIA advised the Commission to expand the requirement of “good faith” negotiations to the voluntary period to balance the bargaining position of both microwave incumbents and PCS licensees.⁴ CTIA will continue to vigorously pursue all possible courses of action to achieve this balance.

Sincerely,



Thomas E. Wheeler
President and CEO

cc: Jack Richards, Keller & Heckman

³ 47 C. F. R. § 24.237.

⁴ See Amendment to the Commission’s Rules Regarding Plans for Sharing the Costs of Microwave Relocation, WT Docket No. 95-157, RM-8643, Comments of CTIA, filed December 1, 1995 at 7; and Reply Comments of CTIA, filed January 16, 1996, at 6.