

EX PARTE OR LATE FILED

ORIGINAL

KELLY & POVICH, P.C.

ATTORNEYS AT LAW

1101 30th Street, N.W., Suite 300, Washington, D.C. 20007

Writer's Direct Dial:
(202) 342-0464

DOCKET FILE COPY ORIGINAL

Telephone: (202) 342-0460
Facsimile: (202) 342-0458

May 17, 1996

RECEIVED

MAY 17 1996

VIA MESSENGER

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Ex Parte Submission, PR Docket 89-552,
GN Docket 93-252 & PP Docket 93-253

Dear Mr. Caton:

On behalf of Securicor Radiocomms Ltd. ("Securicor"), this letter will respond to the Ex Parte submission of the SMR Advisory Group in the above-referenced Dockets concerning the elimination of the 40 mile rule codified in Section 90.739 of the Commission's Rules with respect to the Phase I and Phase II non-nationwide 220 MHz licenses.

Securicor concurs with the SMR Advisory Group that the 220 MHz 40 mile rule has outlived its usefulness with respect to the Phase I licenses and should be eliminated. When adopted by the Commission, the 220 MHz industry was new, and its development cycle uncertain. The 40 mile rule served to ensure the orderly and efficient licensing of systems for Phase I applicants through the lotteries. As Phase I systems have been constructed over the past several years and as the August 15 construction deadline nears, the 220 MHz industry has begun to mature and the need for the 40 mile rule has passed. As noted by the Advisory Group, uncertainty over the interpretation of that Rule has unduly encumbered the formation of 220 MHz networks that may compete with CMRS networks in other bands. The impaired competitiveness of the 220 MHz band, in turn, will diminish the prospects for a successful Phase II auction as well.

In addition, given the Commission's experience with similar rules in the 800 MHz and 900 MHz SMR bands, it is clear that the fair enforcement of a 40 mile rule is problematic at best and administratively cumbersome.

No. of Copies rec'd
List ABCDE

024

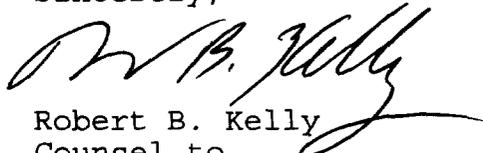
KELLY & POVICH, P.C.

Mr. William F. Caton
May 17, 1996
Page 2

For these reasons, Securicor urges that the Commission eliminate the application of the 40 mile rule to Phase I 220 MHz systems.

If there are any questions concerning this submission, please contact this office.

Sincerely,


Robert B. Kelly
Counsel to
Securicor Radiocomms Ltd.

cc: Laura C. Mow