

EX PARTE OR LATE FILED

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June 3, 1996

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JUN 3 1996

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

By Hand

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: CC Docket No. 92-297
Ex Parte Presentation

Dear Mr. Caton:

Enclosed for filing in the above-referenced proceeding are two (2) copies of a joint parties letter provided today to the Chairman and the Commissioners. By the enclosed letter, numerous LMDS, FSS and MSS proponents urge the Commission to promptly conclude the above-referenced rulemaking proceeding with the adoption of the band segmentation plan the Commission proposed by a unanimous vote in July 1995 in the Third NPRM in this proceeding.

Please direct any questions regarding this matter to the undersigned.

Sincerely,



Michael R. Gardner
Charles R. Milkis
Counsel for CellularVision USA, Inc.

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

June 3, 1996

By Hand

Chairman Reed E. Hundt
Commissioner James H. Quello
Commissioner Rachelle B. Chong
Commissioner Susan Ness
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Ex Parte Presentation
CC Docket No. 92-297

Dear Chairman and Commissioners:

During the last four years, the Local Multipoint Distribution Service ("LMDS"), Fixed Satellite Service ("FSS") and Mobile Satellite Service ("MSS") industries have labored with the Commission to develop acceptable regulations to maximize the shared use of the 28 GHz band by competing video, telephony and data service providers. The Commission's 28 GHz rulemaking proceeding has included separate Notices of Proposed Rulemaking adopted in December 1992, January 1994 and July 1995, as well as a Negotiated Rulemaking between the affected industries held in July-September 1994. The signatories to this letter support the Commission's desire to accommodate the maximum number of competing services in the largely fallow, yet enormously valuable, 28 GHz spectrum.

In July 1995, almost one year ago, the Commission by a unanimous vote adopted the Third Notice of Proposed Rulemaking in this proceeding, which set forth a 28 GHz band plan that was embraced by most participants among the diverse industries participating in this protracted rulemaking proceeding. While the Commission's comprehensive band segmentation plan did not fully satisfy the claimed spectrum needs of FSS, MSS and LMDS interests, the record in this proceeding reflects that it nonetheless was viewed generally by each of the affected industries as a reasonable compromise that would end this protracted proceeding and allow these services to go forward. During the past year, attempts by the Commission, working with the affected industries, to fine tune the Third NPRM band plan have been unsuccessful and have only further delayed the deployment of 28 GHz-based services. Despite these good faith efforts to improve the 28 GHz band plan, there appears to be more opposition to the

Letter to Chairman and Commissioners

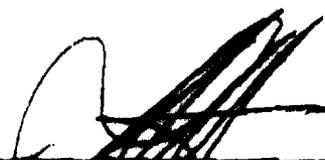
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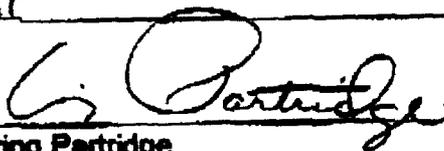
various recently developed band plan options under consideration by the Commission than there was to the Third NPRM band plan that the Commission embraced 11 months ago.

Accordingly, the undersigned parties urge the Commission to promptly conclude the 28 GHz rulemaking proceeding with the adoption of the band segmentation plan it proposed by a unanimous vote in the Third NPRM, as supplemented by the interservice sharing rules that have been agreed to subsequently. Further delay in the resolution of this proceeding threatens to severely hamper the U.S. leadership role in the LMDS, FSS and MSS industries, particularly in view of recent developments in Canada and elsewhere confirming that other countries are moving forward with 28 GHz spectrum allocations while the U.S. proceeding remains stalled.

Respectfully submitted,



Cellular Vision USA, Inc.
Shant S. Hovnanian
Chairman, President & CEO

AT&T


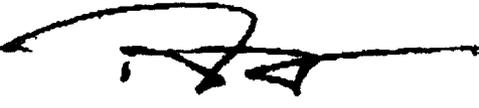
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Vice President

Hughes Communications Galaxy, Inc.



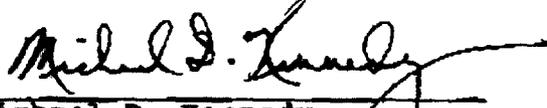
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Russell Daggatt

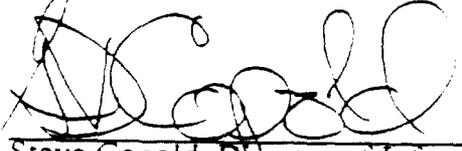


President

MOTOROLA, INC.



Michael D. Kennedy
Vice President and Director
Regulatory Relations

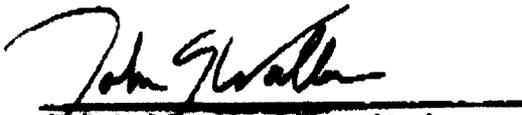


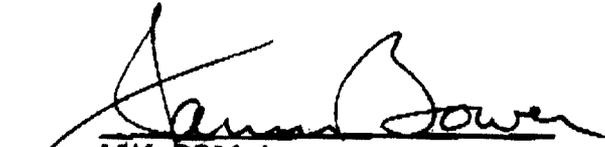
Steve Copold, Director of Information Resources
The University of Texas - Pan American

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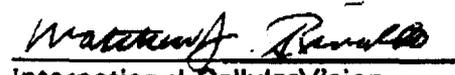

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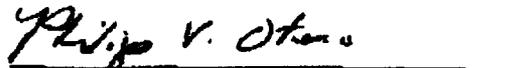

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