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EX PARTE OR LATE FILED

October 1, 1996

VIA COURIER

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

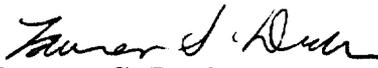
**Re: Notice of *Ex Parte* Presentation
FCC Docket Nos. 89-552, 93-252, and 93-253**

Dear Mr. Caton:

Transmitted herewith are an original and one copy of a summary of an *ex parte* presentation made today by Russell H. Fox, Esquire, on behalf of ComTech Communications, Inc. The presentation was made to Jackie Chorney, Legal Advisor to FCC Chairman Reed Hundt, on channel aggregation issues involved in the FCC's current rule making proceeding in Docket Nos. 89-552, 93-252 and 93-253.

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

Sincerely,


Lauren S. Drake

Enclosure

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COMTECH COMMUNICATIONS, INC.
POSITION ON CHANNEL AGGREGATION
FCC DOCKET NOS. 89-552, 93-252, 93-253
EX PARTE PRESENTATION
TO OFFICE OF CHAIRMAN HUNDT
OCTOBER 1, 1996

- ComTech supports the retention of the existing channelization scheme for local, trunked licenses. To change the channelization plan would have two negative results: 1) it would reduce the ability of Phase I licensees to meaningfully participate in the Phase II auction; and 2) it would impose a significant burden on Phase II license winners, who would be required to negotiate with multiple Phase I licensees, in order to secure the use of the auctioned channels throughout a BEA. Both results will serve to devalue the utility of the Phase I and Phase II licenses.
- However, ComTech's support of the existing channelization scheme for trunked local licenses is based only on preserving the utility of those channels, not on any desire to limit the technology that may be used on those channels.
- In order to promote technology options, which will ultimately provide the public with more service choices, the Commission should adopt a channelization scheme for the remaining non-local trunked channels that will permit maximum channel aggregation. The Commission should **not** mandate the use of 5 kHz, or any other technology on those channels.
- Nor should the Commission impose a comparable efficiency standard on the use of the contiguous channels. Because the FCC has found that 220 MHz will presumably be a commercial service, licensees will have every incentive to maximize the use of their channels. It should be up to the licensee, not the government, to determine the most intensive use of their channels. Licensees will leave none of the potential of their channels untapped. The FCC has appropriately sought to impose such a standard only in non-commercial services.
- The ability to aggregate contiguous channels will permit licensees to offer a variety of services, increasing the value of the spectrum and ultimately providing the greatest variety of services to consumers.
- The Commission's decision should not be driven by a desire to protect manufacturers with heavy investment in narrowband technology. The FCC's obligation is to consumers, who will benefit from technical flexibility. Narrowband technology is spectrum neutral. Manufacturers who have invested in narrowband technology can recoup that investment by deploying the technology in other spectrum homes, such as 800 MHz and 900 MHz SMR, if the marketplace desires such technology. In commercial services, such as 800 MHz and 900 MHz SMR the regulations permit such channelization and licensees may wish to use the technology to increase capacity.