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October 18, 1996

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Federal Communications Commission
Office of Secretary

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Federal Communications Commission
Office of the Secretary
1919 M Street, N.W.
Room 222
Washington, D.C 20554

**Re: Notice of Oral Ex Parte Presentation;
PR Docket No. 93-144, GN Docket No. 93-252
and PP Docket No. 93-253**

Dear Mr. Caton:

This is to notify the Office of the Secretary that Christine Gill an attorney with the law firm of McDermott, Will & Emery, on behalf of its client, The Southern Company ("Southern"), made an oral ex parte communication with Walter Strack of the Wireless Telecommunications Bureau in connection with the above-referenced proceeding.

The substance of Southern's attorneys' conversation with the FCC staff concerned the issues addressed in Southern's Response to Request For Rejustification of Extended Implementation Authority filed in the above-captioned proceeding. A summary is attached.

In accordance with the Section 1.1206 of the Federal Communications Commission rules, two copies of this notice and its attachments have been hand-delivered to the Secretary's Office.

Very truly yours,

Christine Gill

Christine C. Gill

cc: Walter Strack, Wireless Telecommunications Bureau

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List ABCDE

Southern Communications

Advanced Digital 800 MHz System

Response to Request for Rejustification of Extended Implementation Authority

Southern System

- Largest State-of-the-Art Digital 800 MHz System in the World -- Uses Motorola's i-DEN Technology
- Covers Four State Area in Southeast
- Construction Has Been Extraordinarily Complex
- Began Licensing System in 1993-1994
  - RF Propagation Design Changed Mid-Stream
  - Technology in Development At Same Time
  - Commercial Roll Out Initiated February of 1996

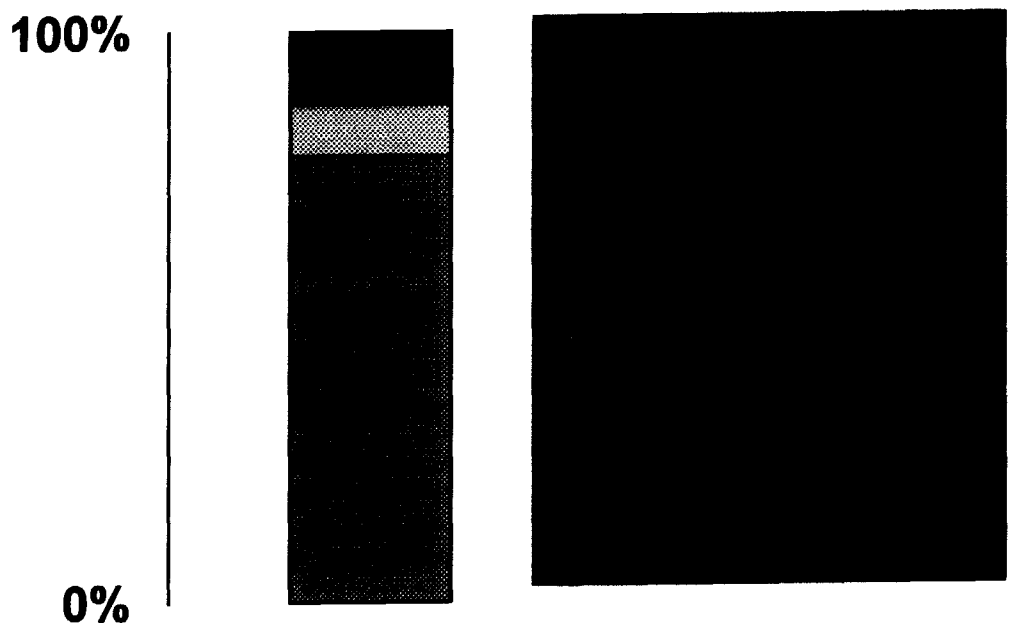
Relief Requested

- As of August 10, 1996, Southern was reclassified as a CMRS

- Southern requests that a population coverage construction standard be applied to its system footprint rather than the site-by-site, channel-by-channel standard now in place to ensure regulatory symmetry with its competitors

Southern's 800 MHz CMRS Spectrum Status

- Frequency Categories:



Construction Status in Southern Footprint

- Footprint = 120,000 square miles = covers 22 EAs
- Over 300 Base Stations Constructed
- 90% of Population Covered = 15,000,000 Million POPs
- 224 of 341 Discrete Channels Constructed (65%)
- Serves Both Urban and Rural Areas

Comparison of Construction Requirements for CMRS

Wide-Area SMR	Site-by-Site Frequency-by-Frequency	1 - 5 years	All Channels
Cellular	MSA Coverage	1 - 5 years	No Channel Requirement
800 MHz and 900 MHz (EA-SMR Licensees)	1/3 of Population 2/3 of Population	3 years 5 years	50% of Channels
PCS (30 MHz) MTA	1/3 of Population 2/3 of Population	5 years 10 years	No Channel Requirement
PCS (10 MHz) BTA	1/4 of Population	5 years	No Channel Requirement

Impact of Unequal Construction Standards on Southern

- Site-by-Site/Channel-by-Channel Standard
  - Need to finish construction of over 15,000 additional channels within approximately 18 months

- Other CMRS Standards
  - EA SMRs = has met over entire footprint
  - Cellular = met
  - PCS = met

Need for Construction Parity

- After footprint coverage established need to be able to construct channel capacity to meet customer demand
- CMRS market expected to be highly dynamic; need to be able to adapt quickly to market conditions
- Need to be able to take advantage of new flexibility to offer fixed services
- At severe disadvantage if tied to locked-in construction schedule when competitors are not

Requested Relief in the Public Interest

- Major SMR competitor in Southeast
- Able to serve communities with special needs
  - public safety
  - local government
  - other utilities
- No impact on 800 MHz Auction

Why Construction Parity is Fair

- Commission Has Determined That All CMRS Serve the same market

- As a "covered SMR" Southern has the same regulatory obligations as other CMRS providers

  - resale requirements
  - roaming requirements
  - E911 requirements
  - number portability requirements
  - Title II common carrier obligations
  - Access by persons with disabilities

- Should have same technical flexibility in construction as other CMRS providers

Why Construction Parity is Legally Mandated

- Congress determined that equivalent mobile services should be regulated similarly.
- The FCC has recognized its obligation to eliminate the potentially distorting effects of asymmetrical regulation.
- The FCC justified the rules that it adopted in the First R&O by pointing to its statutory obligation to provide a level regulatory playing field.