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OCT 28 1996

Before the FEDERAL COMMUNICATIONS COMMISSION  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554  
OFFICE OF SECRETARY

ORIGINAL

In the Matter of

Amendment of Part 90 of the Commission's Rules	)	
To Provide For the Use of the 220-222 MHz	)	
Band by the Private Land Mobile	)	PR Docket No. 89-552
Radio Service	)	RM 8506
	)	
Implementation of Sections 3(n)	)	
and 332 of the Communications Act	)	GN Docket No. <u>93-252</u>
	)	
Regulatory Treatment of Mobile Services	)	
	)	
Implementation of Section 309(j) of the	)	
Communications Act-Competitive	)	PP Docket No. 93-252
Bidding, 220-222 MHz	)	

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**MOTION TO ACCEPT LATE-FILED  
JOINT SUPPLEMENTAL COMMENTS  
OF  
COMTECH, INC., RUSH NETWORK CORP., GLOBAL CELLULAR CORP.,  
and OVERALL WIRELESS COMMUNICATIONS CORPORATION**

ComTech, Inc., Rush Network Corp., Global Cellular Corp., and Overall Wireless Communications Corporation (the "Joint Commenters") hereby submit the following Motion to Accept Late-Filed Joint Supplemental Comments in the above referenced proceeding. In support of their Motion, the Joint Commenters present the following reasons why the Supplemental Comments should be accepted:

1. On October 17, 1996, the Joint Commenters met with members of each Commissioners' staff to discuss the channel aggregation and spectrum efficiency issues raised in this proceeding. These *ex parte* presentations were summarized in an *ex parte*

*024*

notice filed with the FCC Secretary's office on October 18, 1996. These *ex parte* presentations are part of an ongoing effort by the Joint Commenters to address possible alternative approaches to the Commission's proposed spectrum efficiency standards for the 220-222 MHz band.

2. During the October 17, 1996, meetings, Commission staff members requested the Joint Commenters to more fully explain their proposed approach for the record in this rule making proceeding. Accordingly, these supplemental comments are filed to present the Joint Commenters' proposals for spectrum efficiency in the 220-222 MHz band.

3. No party is prejudiced by acceptance of these late-filed supplemental comments. Acceptance of these supplemental comments in the record of this proceeding will enable other parties to review the Joint Commenters' proposals that were previously only available to the public in summarized form as *ex parte* notices. Thus, acceptance of these supplemental comments will ensure that the record in this proceeding fully reflects the positions of all the parties involved. In the event the Commission decides not to accept these comments as late-filed, the Joint Commenters request the Commission to consider them as further *ex parte* or informal statements, pursuant to FCC rule section 1.41, 47 C.F.R. § 1.41 (1995).

**WHEREFORE, THE PREMISES CONSIDERED, the Joint Commenters submit the following Joint Supplemental Comments and request the Commission to include them in the record of this proceeding.**

**COMTECH, INC.**

By: Jerry Nelson  
Name: JERRY NELSON  
Title: C.E.O

**KINGDON R. HUGHES**

\_\_\_\_\_

**GLOBAL CELLULAR CORP.**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**OVERALL WIRELESS COMMUNICATIONS CORP.**

By Gerald McGowan  
Lukas, McGowan, Nace & Gutierrez  
Its Counsel

Dated: October 28, 1996

**WHEREFORE, THE PREMISES CONSIDERED, the Joint Commenters submit the following Joint Supplemental Comments and request the Commission to include them in the record of this proceeding.**

**COMTECH, INC.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**KINGDON R. HUGHES**

\_\_\_\_\_

**GLOBAL CELLULAR CORP.**

By: *Gus Wirth Jr*

Name: *Gus Wirth Jr*

Title: *Vice President*

**OVERALL WIRELESS COMMUNICATIONS CORP.**

By George L. Lyon, Jr.  
Lukas, McGowan, Nace & Gutierrez  
Its Counsel

Dated: October 28, 1996

10/28/96 14:01

10-28-1996 12:40PM FROM RUSH NETWORK CORP. 972 669 1873

NO. 633 P. 2 002

10/28/96 12:40

10/28/96 MON 12:13 FAX 202 200 1504

GAMINER, LAKSH & JUNGLES

NO. 632 003

**WHEREFORE, THE PREMISES CONSIDERED,** the Joint Commenters submit the following Joint Supplemental Comments and request the Commission to include them in the record of this proceeding.

**COMTECH, INC.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**RUSH NETWORK CORP.**

By: *[Signature]*

Name: KINGDON R. HUGHES

Title: PRES.

**GLOBAL CELLULAR CORP.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**OVERALL WIRELESS COMMUNICATIONS CORP.**

*[Signature]*  
By George L. Lyon, Jr.  
Lukas, McGowan, Nace & Gutierrez  
Its Counsel

Dated: October 28, 1996

CERTIFICATE OF SERVICE

I, Donna B. Fleming, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 28<sup>th</sup> day of October, 1996, caused to be sent by hand delivery, a copy of the foregoing Joint Supplemental Comments to the following:

Commissioner Reed Hundt  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, D.C. 20554

Commissioner Rachelle Chong  
Federal Communications Commission  
1919 M Street, NW, Room 826  
Washington, D.C. 20554

Commissioner Susan Ness  
Federal Communications Commission  
1919 M Street, NW, Room 832  
Washington, D.C. 20554

Commissioner James Quello  
Federal Communications Commission  
1919 M Street, NW, Room 802  
Washington, D.C. 20554

Michele Farquhar  
Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, NW, Room 5002  
Washington, D.C. 20554

Jackie Chorney, Legal Advisor to Commissioner Reed Hundt  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, D.C. 20554

Suzanne Toller, Legal Advisor to Commissioner Rachelle Chong  
Federal Communications Commission  
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Washington, D.C. 20554

David Siddall, Legal Advisor to Commissioner Susan Ness  
Federal Communications Commission  
1919 M Street, NW, Room 832  
Washington, D.C. 20554

Rudolpho Baca, Legal Advisor to Commissioner James Quello  
Federal Communications Commission  
1919 M Street, NW, Room 802  
Washington, D.C. 20554

John Cimko  
Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, NW, Room 5202  
Washington, D.C. 20554

Martin Liebman  
Policy Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
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Washington, D.C. 20554

Elizabeth Lyle  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, NW., Room 5202  
Washington, D.C. 20554

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Donna B. Fleming

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