

**ORIGINAL**

**DOCKET FILE COPY ORIGINAL**

**RECEIVED**

**APR 17 1997**

Federal Communications Commission  
Office of Secretary

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
)  
Revision of Part 22 and Part 90 of the )  
Commission's Rules To Facilitate Future )  
Development of Paging Systems )  
)  
Implementation of Section 309(j) of the )  
Communications Act — Competitive Bidding )

**WT Docket No. 96-18**

**PP Docket No. 93-253**

**COMMENTS OF  
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

Katherine M. Holden  
Stephen J. Rosen  
WILEY, REIN & FIELDING  
1776 K Street, NW  
Washington, D.C. 20006  
(202) 429-7000

Robert L. Hogarth  
Senior Vice President,  
Paging and Narrowband  
PERSONAL COMMUNICATIONS  
INDUSTRY ASSOCIATION  
500 Montgomery Street, Suite 700  
Alexandria, VA 22314-1561  
(703) 739-0300

Alan S. Tilles  
MEYER, FALLER, WEISMAN  
AND ROSENBERG, P.C.  
4400 Jenifer Street, NW, Suite 380  
Washington, DC 22015  
(202) 362-1100

Its Attorneys

April 17, 1997

No. of Copies rec'd 0 + 1  
List ABCDE

**TABLE OF CONTENTS**

I. INTRODUCTION AND SUMMARY .....2

II. THE COMMISSION SHOULD NOT IMPOSE COVERAGE REQUIREMENTS ON NATIONWIDE LICENSES AT THIS STAGE IN THEIR DEVELOPMENT .....4

III. NATIONWIDE LICENSEES SHOULD BE PERMITTED TO ENGAGE IN PARTITIONING ON A COMPARABLE BASIS TO MTA AND EA LICENSEES, AND IN ALL CIRCUMSTANCES THERE MUST BE SAFEGUARDS AGAINST SHAM TRANSACTIONS.....6

IV. DISAGGREGATION OF PAGING SPECTRUM AT THIS TIME IS NOT TECHNICALLY OR PRACTICALLY FEASIBLE.....7

V. THE COMMISSION CAN TAKE ADDITIONAL STEPS TO REDUCE FRAUD IN THE SHARED CHANNELS.....9

    A. Licensing and Coordination Procedures for Shared Channels.....9

    B. Preventing Fraud in the Application Process.....10

    C. Construction and Assignment Fraud.....13

VI. CONCLUSION.....15

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of Part 22 and Part 90 of the Commission's Rules To Facilitate Future Development of Paging Systems	)	WT Docket No. 96-18
	)	
Implementation of Section 309(j) of the Communications Act — Competitive Bidding	)	PP Docket No. 93-253
	)	

**COMMENTS OF  
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"),<sup>1</sup> by its attorneys,  
respectfully submits its comments on the Further Notice of Proposed Rulemaking in the above-  
captioned docket.<sup>2</sup>

---

<sup>1</sup> PCIA is the international trade association created to represent the interests of both the commercial and the private mobile radio service communications industries. PCIA's Federation of Councils includes: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Specialized Mobile Radio Alliance, the Site Owners and Managers Association, the Association of Wireless System Integrators, the Association of Communications Technicians, and the Private System Users Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

<sup>2</sup> *Revision of Part 22 and Part 90 of the Commission's Rules To Facilitate Future Development of Paging Systems*, FCC 97-59 (Feb. 24, 1997) (Second Report and Order and Further Notice of Proposed Rulemaking) ("*Second Report and Order*" and "*Further Notice*").

## I. INTRODUCTION AND SUMMARY

In its *Second Report and Order* in this proceeding, the Commission promulgated rules that created a geographic area licensing scheme for certain common carrier paging and private carrier paging providers, and established competitive bidding procedures for resolving mutually exclusive applications for such geographic area licenses. In its companion *Further Notice*, the Commission sought additional comment on a number of issues related to the newly-established licensing plan, including: (1) whether there should be build-out requirements for nationwide paging licensees, and if so, what these requirements should be; (2) whether geographic partitioning should be permitted for nationwide licenses and whether spectrum disaggregation should be permitted for all geographic licensees, and, if so, how this partitioning and disaggregation should be implemented; and (3) whether and how to revise the application procedures for shared channels in order to reduce fraudulent application mill activity.

PCIA has played an active role in this docket since the original *Notice of Proposed Rulemaking* was issued in February 1996,<sup>3</sup> and has consistently maintained that, where appropriately deployed, market area licensing will facilitate the provision of paging service to the public. PCIA has also argued, however, that the Commission should ensure that its geographic licensing rules and the transition to this new regulatory scheme cause as little disruption as possible to the paging/messaging services currently relied upon by the public.

---

<sup>3</sup> See *Revision of Part 22 and Part 90 of the Commission's Rules To Facilitate Future Development of Paging Systems*, 11 FCC Rcd 3108 (1996) (Notice of Proposed Rulemaking).

In response to the instant *Further Notice*, PCIA believes that there is no reason for the Commission to impose additional build out requirements on the nationwide licensees. These operators have designed and constructed networks and made business decisions in reliance on existing construction requirements. Moreover, there is no evidence suggesting that nationwide licensees are somehow warehousing spectrum; to the contrary, it appears that nationwide operators are making full use of their assigned frequencies and market forces are driving them to continue to expand coverage.

Nationwide licensees should have the same rights to partition as geographic licensees in Major Trading Areas ("MTAs")<sup>4</sup> and Economic Areas ("EAs"). The partitioning rules applied to all licensees must, however, safeguard against sham arrangements that are intended to evade the Commission's build out requirements.

While PCIA previously supported the concept of spectrum disaggregation if it were found to be technically feasible, PCIA has since concluded that disaggregation poses an unacceptably high risk of co-channel and adjacent channel interference problems. Due to existing technical constraints, disaggregated spectrum cannot be used as productively, and re-aggregation may prove difficult. The Commission thus should not permit spectrum disaggregation in the paging channels at present.

Finally, PCIA endorses the Commission's efforts to adopt policies to reduce fraudulent activity in the shared channels. There are a number of steps that could be taken by the

---

<sup>4</sup> In a petition for reconsideration of the *Second Report and Order*, PCIA has requested that the Commission replace MTAs with Major Economic Areas ("MEAs") for 929 MHz and 931 MHz licensing. PCIA Petition for Reconsideration, WT Dkt. No. 96-18, at 19-21 (filed Apr. 11, 1997).

Commission and frequency coordinators to help decrease the activities of fraudulent application mills and build out schemers.

**II. THE COMMISSION SHOULD NOT IMPOSE COVERAGE REQUIREMENTS ON NATIONWIDE LICENSES AT THIS STAGE IN THEIR DEVELOPMENT**

In the *Second Report and Order*, the Commission declined to impose any additional coverage or build out requirements on nationwide licensees. The *Further Notice* has requested comment on whether the Commission "should also impose coverage requirements for nationwide paging licenses."<sup>5</sup> At present, there are three channels in the 931 MHz band that have been allocated on a nationwide basis.<sup>6</sup> In the 929 MHz frequencies, licensees were permitted to earn nationwide exclusivity by: (1) constructing at least 300 transmitters; (2) providing service to at least fifty designated urban areas, including twenty-five of the top fifty markets; and (3) providing service to at least two markets in each region of the United States.<sup>7</sup> The *Second Report and Order* awarded nationwide licenses for the three common carrier nationwide channels as well as for 23 of the 929 MHz frequencies.<sup>8</sup>

There is no reason for the Commission to alter its coverage requirements for nationwide licensees at this time. To the extent the Commission is considering such requirements to ensure system build out and to prevent spectrum warehousing, this concern is contradicted by the Commission's own conclusion that the record demonstrated that existing licensees "have

---

<sup>5</sup> *Further Notice*, ¶ 202.

<sup>6</sup> 47 C.F.R. § 22.531(b).

<sup>7</sup> 47 C.F.R. § 90.495(a)(3) (1996) (repealed 1997)

<sup>8</sup> *Second Report and Order*, ¶¶ 50-51.

developed successful and efficient nationwide networks under the pre-existing rules — in fact, in most cases they have substantially exceeded the construction thresholds required to earn nationwide exclusivity under those rules.”<sup>9</sup> The Commission accordingly concluded that competitive bidding was not “needed to further the goal of developing competitive nationwide paging networks on these channels.”<sup>10</sup> Without the spur of more stringent construction requirements, nationwide licensees already are building out their systems. If anything, the nationwide experience demonstrates the effectiveness of the marketplace in promoting efficient spectrum usage.

At the same time, changing the rules of the game at this stage could adversely affect service to the public. Nationwide paging licensees have made business plans based on existing rule requirements (which themselves were recently imposed) as well as marketplace considerations. Rather than impose arbitrary coverage and build out requirements, the Commission should continue to allow such decisions to be driven by marketplace demands and competitive pressures rather than by regulation. Imposing new arbitrary coverage standards could lead to inefficient investment by carriers, which in turn has implications for the service provided to the public. Moreover, given the number of nationwide licensees, the failure of one operator to provide adequate coverage will be reflected in its competitive position.

Given that there appears to be no need for further coverage or build out requirements for nationwide licensees, the reliance of operators on those rules in designing and implementing their

---

<sup>9</sup> *Id.*, ¶ 50.

<sup>10</sup> *Id.*

systems, and the potential that revised standards could adversely affect service, the Commission should take no further action to alter its nationwide license coverage requirements.

**III. NATIONWIDE LICENSEES SHOULD BE PERMITTED TO ENGAGE IN PARTITIONING ON A COMPARABLE BASIS TO MTA AND EA LICENSEES, AND IN ALL CIRCUMSTANCES THERE MUST BE SAFEGUARDS AGAINST SHAM TRANSACTIONS**

In the *Further Notice*, the Commission seeks comment on "whether nationwide paging licensees should be permitted to partition their license area,"<sup>11</sup> and on the implementation of partitioning for EA- and MTA-based service areas.<sup>12</sup> Preliminarily, PCIA believes that, in the dynamic wireless industry, partitioning could be a useful means of providing geographic and service flexibility for all geographic licensees. Such flexibility may be particularly important for smaller entities, which may want to provide either geographically discrete or specialized, niche services. Partitioning of the nationwide licenses can provide these benefits as well as for EA- and MTA-based service areas, and there is no reason for the Commission to treat nationwide paging licenses differently with respect to the permissibility of partitioning and the associated standards.

The Commission's partitioning rules for all licenses, however, including nationwide licenses, must protect against sham transactions designed to circumvent the Commission's construction requirements. This is a particularly significant issue given the fact that many paging

---

<sup>11</sup> *Further Notice*, ¶ 203.

<sup>12</sup> *Id.*, ¶¶ 205-211.

systems are well-established and operate in a highly competitive environment. This situation warrants implementation of safeguards that otherwise might not be needed.

Specifically, PCIA is concerned that certain unscrupulous licensees or their agents might construct only part of their systems, and then — a short time before the construction deadline for the entire license area — partition the unconstructed area to another party in a pre-arranged, sham transaction. Such an arrangement would allow the licensee to keep the portion of the original license area that it had built out, while causing the partitionee to forfeit its unconstructed area. Obviously, this would dramatically undermine the Commission's coverage rules.

In order to prevent such abuses, if the partitionee fails to build-out its geographic area, the Commission should hold the partitioner responsible for doing so. If the partitioner then fails to complete the requisite construction, it should forfeit the entire license. The Commission should also consider whether any other safeguards should be required to ensure that partitioning is used only for its intended purposes and not also for illegitimate transactions designed to escape the force of the Commission's Rules.

#### **IV. DISAGGREGATION OF PAGING SPECTRUM AT THIS TIME IS NOT TECHNICALLY OR PRACTICALLY FEASIBLE**

The Commission also seeks further comment on "the feasibility of spectrum disaggregation for paging services."<sup>13</sup> While PCIA previously supported permitting spectrum

---

<sup>13</sup> *Id.*, ¶ 212.

disaggregation if technically feasible,<sup>14</sup> PCIA has since concluded that disaggregation is neither technically nor practically feasible given the current status of paging technology.

First, the disaggregation of channels poses substantial and unacceptable risks of interference, particularly when the channel size is smaller than 25 kHz. The resulting interference may be either co-channel and adjacent channel in nature. This is due at least in part to the fact that the equipment is still designed to operate over a 25 kHz channel; if it is used on a smaller bandwidth, there is a “spill-over” effect, as the equipment still needs 25 kHz to operate.

In addition, the more a given spectral band is divided, the less desirable it becomes, as it has fewer and fewer economically viable uses and higher adjacent channel interference problems. Rather than promote flexibility, a disaggregation policy could lead to narrowly channeled bands with very limited uses. Also, as a block is broken into smaller and smaller chunks, it becomes increasingly difficult to re-aggregate the spectrum.

Accordingly, there is no public benefit for the Commission to adopt a policy routinely permitting disaggregation. Where appropriate, however, and in limited (as yet unforeseen) circumstances, interested parties should be permitted to seek a waiver of the rules if they can make the requisite showing that for specific circumstances disaggregation would be in the public interest.

---

<sup>14</sup> Comments of PCIA on Geographic Licensing and Competitive Bidding Proposals, WT Dkt. No. 96-18, at 18 n. 34 (filed Mar. 18, 1996).

**V. THE COMMISSION CAN TAKE ADDITIONAL STEPS TO REDUCE FRAUD IN THE SHARED CHANNELS**

**A. Licensing and Coordination Procedures for Shared Channels**

The *Further Notice* recounts some of the difficulties that have been faced by the paging industry from the flood of speculative applications filed by licensing mills and from second tier “build-out” schemes.<sup>15</sup> The Commission requests comments on how to eliminate or reduce the possible increase in fraudulent activities that may occur in the shared channels as a result of the transition to geographic area licensing.<sup>16</sup>

One area targeted by the Commission for possible change is the FCC Form 600. The Commission suggests that the form be revised to provide applicants with information regarding the risks of telecommunications investment and warning signs of possible investment fraud. The Commission also requests comment as to whether PCIA “ should be required to implement additional procedures in the coordination process to reduce fraudulent or speculative applications.”<sup>17</sup>

Initially, it should be noted that application mills are not the exclusive province of the paging frequencies. Application mills have also flourished filing applications for specialized mobile radio (“SMR”) frequencies and multichannel multipoint distribution service channels. Give the Commission’s recent decisions in the “Refarming” proceeding (PR Docket No. 92-235), it can also be expected that the two-way radio frequencies below 800 MHz will be the next target

---

<sup>15</sup> *Further Notice*, ¶ 219.

<sup>16</sup> *Id.*, ¶¶ 219-220.

<sup>17</sup> *Id.*, ¶ 220.

of application mills. Therefore, the Commission should use this opportunity to adopt procedures that will limit such activities on both paging frequencies and two-way radio frequencies. PCIA's comments in this docket on this issue represent its views and suggestions with regard to all coordinated frequencies.

PCIA has worked extensively with the Commission and the Federal Trade Commission ("FTC") over the past several years to combat "application and build out fraud." PCIA's comments in this proceeding are the result of discussions held with Commission and FTC personnel during the past several weeks about further efforts that may be undertaken to further these efforts. It is PCIA's view that the Commission (and *all* frequency advisory committees) should implement steps to combat fraud, *provided* such efforts do not impede the ability of legitimate paging licensees to obtain authorizations.

#### **B. Preventing Fraud in the Application Process**

It has been PCIA's observation that the overwhelming majority of mill applicants do not read the application form that they have been provided by the application mill, by the Commission, or by PCIA, prior to signing the application.<sup>18</sup> Thus, while additional language on the FCC Form 600 may be helpful in a few cases (and PCIA encourages the Commission to modify the Form 600 consistent with its proposals), such efforts should not be viewed as a total cure. Additional steps must also be taken.

---

<sup>18</sup> For example, attached hereto is a letter from a construction service providing to the licensee five copies of the signature page of the FCC Form 600. The letter asks that the licensee sign each form for the company "in the event that we need to file multiple Form 600's on your behalf." Thus, in this case, the company is requesting that the licensee sign FCC

(Continued...)

The greatest tool available to the application and build-out mills is the lack of definitive information from the Commission on certain vital issues. When PCIA (or a communications attorney familiar with this area) alerts an applicant or licensee about Commission regulations regarding construction requirements, assignment requirements, rule waivers or similar matters that are explained in detail only in a decision and not the rule itself, the application mill will typically convince the applicant/licensee that the coordinator or attorney is merely trying to protect their members or clients. The application mill employee typically will tell the applicant/licensee that “our communications counsel” has blessed the proposal, or that “Kathy Garland”<sup>19</sup>, “Terry Fishel”<sup>20</sup> or “Mike Regiec”<sup>21</sup> has given the mill a definitive interpretation that what the mill is doing is consistent with the rules. Unfortunately, defrauded individuals often choose to believe the mill representative instead of the attorney or the coordinating committee.<sup>22</sup>

---

(...Continued)

Forms 600 will be filed with the Commission and for which the licensee will have absolutely no idea what was being requested.

<sup>19</sup> Kathy Garland is the Chief of the Commission’s Consumer Assistance Branch in Gettysburg, Pennsylvania.

<sup>20</sup> Terry Fishel is the Chief of the Commission’s Land Mobile Branch in Gettysburg, Pennsylvania.

<sup>21</sup> Michael Regiec is the Deputy Chief of the Commission’s Land Mobile Branch in Gettysburg, Pennsylvania.

<sup>22</sup> For example, a recent claim by several “build-out” mills is that an unconstructed license that is more than one year old (other than systems covered by the so-called *Goodman-Chan* waiver (*In the Matter of Daniel R. Goodman, Receiver, Dr. Robert Chan*, 78 Rad. Reg. 2d 1017 (1995)) but for which an FCC Form 800A construction letter has not yet been sent to the licensee, may still be constructed.

Representations by mill employees are best refuted by crystal clear and readily available documentation from the FCC.<sup>23</sup> Thus, the Commission should prepare and issue Public Notices concerning those issues, not specifically detailed in the rules, that are typically the subject of misleading statements, which in turn leads to consumer fraud. Primarily, these issues relate to licensing, construction, assignment of license, management agreements and frequency availability.<sup>24</sup> The Public Notices should be available to frequency advisory committees to distribute where appropriate. Also, by including the Public Notices on the Commission's web site and attached to documentation mailed to licensees (such as licenses and Form 800A letters), the Commission will help to ensure the widest distribution of information, which will help prevent consumers from entering into fraudulent transactions.<sup>25</sup> This benefits consumers and legitimate CMRS carriers as well.

For its part, PCIA is also taking steps to help applicants become more fully informed about their applications. Currently, upon receipt of an application, PCIA sends to applicants and their contact representatives postcards indicating that an application has been received and giving the applicant a PCIA file number. PCIA is working with the FTC to revise these cards to provide applicants with more information about the Commission's application and construction

---

<sup>23</sup> Documentation from the FTC is not as persuasive as FCC material. Mill employees merely tell applicant/licensees that the FTC is not the expert agency on this issue and has misstated the law.

<sup>24</sup> In the past, the former Private Radio Bureau issued many such Public Notices. Each of these were invaluable in informing applicants and licensees as to their responsibilities.

<sup>25</sup> PCIA has seen instances where a mill has falsified backdated construction letters for the licensee to sign. The licensee routinely signs the document, believing the attestation to be correct. This practice most flagrantly occurred with the licensees who were defrauded by the Columbia/Nationwide mills that were the subject of the *Goodman-Chan* Waiver.

requirements.<sup>26</sup> While PCIA cannot and should not be the guarantor that an applicant is fully informed as to applicable requirements for licensees, PCIA believes that the provision of any additional information can be beneficial.

Once a coordination is completed, PCIA sends to the applicant a form that confirms that the coordination has been completed, and provides information as to the frequency coordinated, etc. Previously, PCIA had provided this form to the application preparer only, if requested. Further, PCIA has frequently in the past provided a computer printout indicating the existence and location of co-channel licensees. As a result of PCIA's discussions with the FTC, PCIA is changing this policy. Henceforth, PCIA's coordination confirmation form (as well as all other correspondence during the coordination process) will go to the applicant as well as the contact representative. Further, PCIA will always provide a co-channel printout for new applicants whenever the channel is shared.<sup>27</sup>

### **C. Construction and Assignment Fraud**

Another means by which the Commission can reduce fraud in its processes would be to modify the FCC Form 800A construction letter. This form is confusing, and can be modified to provide more accurate information to the Commission, to help it detect fraud. First, the form is sent to every licensee approximately 13 to 18 months after a license is issued, regardless of the reason for the license issuance. Thus, the licensee may have been granted a simple increase in

---

<sup>26</sup> PCIA would recommend similar procedures by other frequency advisory committees.

<sup>27</sup> There seems little need to provide another printout when a modification is filed. In addition, PCIA will adjust the co-channel radius reviewed depending on the service and number of co-channel licensees.

mobile units, or a slight change in antenna height, or a renewal. Since the penalty for failing to respond is license revocation, legitimate licensees frequently must search through ancient information to determine the exact date a system was constructed, which might have been twenty years ago. Further, it is possible that the original construction was at a different set of coordinates, further confusing the response of the licensee in completely the form. For this reason, PCIA believes that the Commission should modify its computer system to ensure that construction letters are only generated when the newly issued license would give rise to a new construction obligation.

Second, in many cases the licensee is not the person or entity that performed the actual construction of the station. The Commission could substantially reduce construction mill fraud by requiring the signature of the person or company actually performing the construction in addition to the licensee's declaration that the construction was performed. This could be accomplished by simply amending the Form 800A to require licensees who did not construct the systems themselves to also provide the signature and company information of the entity that did perform the construction.

Provision of the information to the Commission would reduce the instances of construction fraud in a number of ways. Construction mills will be less likely to engage in construction fraud (falsely claiming construction or misstating the construction date) if their name appears on the form.<sup>28</sup> Licensees, required to provide this information, would not be able to sign blank forms without some level of inquiry, again reducing the mill's opportunity for

---

<sup>28</sup> It is PCIA's understanding that at least one construction mill is claiming that an 800 MHz SMR station does not need to be constructed prior to assigning the license, provided the unconstructed system is assigned to and trunked with another, constructed station.

fraud. In addition, the information would provide the Commission with a paper trail to track entities that might be repeat offenders under the Commission's construction rules.

PCIA hopes that these measures will reduce to the greatest extent possible instances of fraud, while not imposing unnecessary burdens on legitimate licensees.

## **VI. CONCLUSION**

The Commission should promulgate rules that foster the competitive provision of low-priced, high-quality paging services, while preventing fraudulent transactions. To this end, existing nationwide licensees should not be subject to additional construction requirements. In addition, while geographic partitioning should be permitted — subject to safeguards against

sham transactions — spectrum disaggregation should be prohibited. Finally, there are a number of steps the Commission and frequency coordinators can take to reduce fraudulent activity in the shared channels.

Respectfully submitted,

**PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

By: Katherine M. Holden By:

Katherine M. Holden  
Stephen J. Rosen  
WILEY, REIN & FIELDING  
1776 K Street, NW  
Washington, D.C. 20006  
(202) 429-7000

Robert L. Hoggarth 

Robert L. Hoggarth  
Senior Vice President,  
Paging and Narrowband  
PERSONAL COMMUNICATIONS  
INDUSTRY ASSOCIATION  
500 Montgomery Street, Suite 700  
Alexandria, VA 22314-1561  
(703) 739-0300

By: Alan S. Tilles 

Alan S. Tilles  
MEYER, FALLER, WEISMAN  
AND ROSENBERG, P.C.  
4400 Jenifer Street, NW, Suite 380  
Washington, DC 22015  
(202) 362-1100

Its Attorneys

April 17, 1997

## Link II Communications, Inc.

October 10, 1996

Dear License Holder:

We have received your Radio Station Paging license(s) and are attempting to include it in our national build-out. In the event that we should need to act quickly in closing a lease with a tower owner or in filing construction reports with the FCC, we would need to have a signed contract in our files. As stated in the Letter of Intent, we will sign the contract and return a copy to you within 5 business days of the activation of any tower represented on your license.

Enclosed please find the Contract/Lease Agreement and the Letter of Intent which will solidify the relationship between you and the Link II corporation. These documents enable us to vigorously pursue construction of your license. Without this documentation, we cannot proceed.

We have also included 5 copies of the page that begins with a paragraph titled "ENVIRONMENTAL POLICY". This is the signature page for the FCC Form 600. The FCC requires an original signature for each Form 600 filed. In the event that we need to file multiple Form 600's on your behalf, we are requesting that you sign each of these individually and return them to us.

Please be advised that Link II is NOT charging you for the services provided. If anyone claiming to represent Link II attempts to charge you a fee for any service whatsoever, please refuse payment and contact us immediately so that proper action may be taken.

We are pleased to be associated with you in this national build-out and if we may be of further assistance or answer any questions, do not hesitate to call us at 1 800 628-3910.

We need these items in our possession no later than November 1, 1996 to insure inclusion in our national build out.

Please return the following:

- 1 Signed Contract (Please make a copy and keep as a reference in your files)
- 1 Signed Letter of Intent
- 5 Signed Form 600 Signature pages

and mail to:

**Wireless Resources, Inc.**  
2100 Rexford Road, Suite 210  
Charlotte, NC 28211-3483

Sincerely,

**Link II**

Enclosure