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June 5, 1997

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JUN - 5 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M. Street, N.W., Room 222
Washington, D.C. 20554
Stop Code: 1170

Re: Written Ex Parte Presentation in PR Docket No. 93-61

Dear Mr. Caton:

Pursuant to Section 1.1206(a) of the Commission's Rules, on behalf of Comtrak, notice is hereby given of an written ex parte presentation delivered today regarding the above-referenced proceeding. An original and two copies of this notice are being filed with the Secretary's office.

The written presentation was delivered to David R. Siddall (Legal Advisor to Commissioner Ness), Jackie Chorney (Special Assistant to Chairman Hundt), Rudolfo M. Baca (Legal Advisor to Commissioner Quello) and Daniel B. Phythyon, David Furth, Karen Gulick, Jane Halprin and Jay Jackson of the Wireless Telecommunications Bureau. The presentation consisted of a request that the Commission sever the issuance of a final Memorandum Opinion and Order in the LMS docket from the issuance of LMS spectrum auction rules. A copy of the written presentation is attached hereto.

Please do not hesitate to contact the undersigned if you have any questions regarding this matter.

Very truly yours,



Catherine M. Krupka*

Enclosure

cc: Rudolfo M. Baca
Jackie Chorney
David R. Siddall
Daniel Phythyon

David Furth
Karen Gulick
Jane Halprin
Jay Jackson

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* Admitted in California Only



Ex Parte

COMTRAK

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St. Louis, MO 63121-1126
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314 553 4279 Fax

4 June 1997

Mr. Daniel Phythyon
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 5002
Washington, D.C. 20554

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JUN - 5 1997

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

RE: Severance of the Issuance of Location and Monitoring
Service (PR Docket No. 93-61) Memorandum Opinion & Order
from the Issuance of LMS Auction Rules

Dear Mr. Phythyon:

During our May 8, 1997 meeting with you and members of the Wireless Telecommunications Bureau ("WTB") staff, we discussed the possibility of severing the issuance of the Memorandum Opinion and Order ("MO&O") pending in the Location and Monitoring Service ("LMS") docket from the issuance of the auctions rules that will govern the allocation of spectrum for LMS services. Severance of the two issues was an attractive solution for Comtrak because it would give current and future LMS licensees finality on the substantive rules applicable to LMS. Both you and David Furth stated that, because the WTB was very close to completing the general auction rules, there was no reason to issue the MO&O separately.

We have since had conversations with the Auctions Division and have been told that issuance of the general auction rules has been delayed due to the Department of Justice investigation into violations alleged to have occurred in prior auctions and also due to concerns by Congress over the under-estimation of the revenue generation potential of spectrum auctions. The Auction Division staff stated that they do not expect to circulate the general auction rules for review by the entire Commission until at least the end of June. Needless to say, this pushes the public issuance date for the general auction rules into the mid- to late summer of this year, and causes Comtrak to be concerned that the issuance of the LMS MO&O and service-specific auction rules will be further delayed into the fall of 1997.

We are also concerned that personnel changes at the Commissioner level will cause further delays as the new Chairman, Commissioners and their staffs become educated on LMS and other matters pending before the Commission. In our conversations with Jackie Chorney, David Siddall and Rudolfo Baca, we were told that the issuance of final LMS

rules had taken too long and that steps would be taken to expedite the release of the MO&O. For the sake of continuity and in the interest of time, Comtrak believes that the current Chairman and Commissioners should have the opportunity to resolve the matters pending in the LMS docket.

In light of the new facts presented above, Comtrak respectfully urges the WTB to reconsider its prior decision to keep the issuance of LMS MO&O and LMS auction rules together in one Order and instead issue the LMS MO&O immediately, with the auction rules to follow in a later Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bruce S. Kessler". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

Bruce S. Kessler
Director
Comtrak

cc: Rudolfo M. Baca
Jackie Chorney
David Furth
Karen Gulick
Jane Halprin
Jay Jackson
David R. Siddall