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July 24, 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA MESSENGER

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

Re: Ex Parte Presentation  
PR Dkt No. 89-552, GN Dkt No. 93-252 / & PP Dkt No. 93-253

Dear Mr. Caton:

On behalf of INTEK Diversified Corp. ("INTEK") and pursuant to Section 1.1206(a) of the Commission's Rules, this will constitute notice that on July 17, 1996, Donald Goeltz and Michael R.J. Bayly of INTEK and Robert B. Kelly of Kelly & Povich, P.C., counsel to INTEK, met with Kathleen O'Brian Ham and Frank Stilwell of the Auctions and Industry Analysis Division and with David Furth, Laura L. Smith and Tom Dombrowsky of the Commercial Wireless Division of the Wireless Telecommunications Bureau regarding the proposed repeal of Section 90.739 of the Rules and the outstanding Petitions For Reconsideration of the Second and Third Reports and Order in the above-referenced Dockets. As reflected in the attached Summary of Presentation, the parties discussed the matters raised in INTEK's Petition For Reconsideration, Comments on Petitions For Reconsideration and Reply on these matters and in INTEK's July 22 written ex parte submission concerning the availability for licensing of the public safety and Emergency Medical Radio Service frequencies in the 220-222 MHz band.

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Mr. William F. Caton

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Six copies of this notice are submitted herewith pursuant to Section 1.1206(a)(1) of the Rules.

Should there be any questions on this matter, kindly communicate with this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. B. Kelly".

Robert B. Kelly

cc: David Furth  
Laura L. Smith  
Tom Dombrowsky  
Kathleen O'Brian Ham  
Frank Stilwell

SUMMARY OF PRESENTATION - July 23, 1997  
INTEK Diversified Corp.  
PR Docket 89-552, GN Docket 93-252 & PP Docket 93-253

- I. The co-channel protection afforded by the Third Report and Order to Phase I 220 MHz licensees should be modified.
  - A. INTEK and other engineering studies reflect real world analysis of existing operational 220 MHz systems.
  - B. Studies establish that 28 dbu service contour at 220 MHz is equivalent to 40 dbu service contour at 850 MHz.
  - C. Use of 38 dbu service contour will result in harmful interference to both Phase I and Phase II licensees and in loss of available service area to end users.
  - D. Use of 28 dbu service contour for Phase I licensees will increase overall use of 220 MHz band and enhance service available to public.
- II. The spectrum efficiency standard adopted for the 220 MHz band promotes spectrum efficiency and preserves the essential character of the 220 MHz band.
- III. FCC has provided for a waiver process to permit requests for introduction of non-compliant equipment in 220 MHz band.
- IV. Waivers of the efficiency standard will interpret spectrum policy and establish precedent. Interested parties should have meaningful opportunity to review and comment on requests. Public notice can establish "short-fuse" comment periods.