

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

DOCKET FILE COPY ORIGINAL

In the Matter of )  
)  
Implementation of Sections 309(j) and )  
337 of the Communications Act of 1934 )  
as Amended )  
)  
Promotion of Spectrum Efficient )  
Technologies on Certain Part 90 )  
Frequencies )  
)  
Establishment of Public Service Radio )  
Pool in the Private Mobile Frequencies )  
Below 800 MHz )  
)  
Applications of Nextel Communications, Inc. )  
and Associated Rule Waiver Request of )  
47 C.F.R. §§ 90.617(c) and 90.619(b) )

WT Docket No. 99-87

RECEIVED

SEP 30 1999

RM-9332

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

DA 99-1431

**REPLY COMMENTS OF THE  
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA**

The Automobile Club of Southern California ("ACSC"), by its attorneys and pursuant to Section 1.415(c) of the Commission's Rules, hereby submits reply comments in the above-captioned proceeding, relating to the implementation of Sections 309(j) and 337 of the Communications Act of 1934 ("Communications Act"), as amended by the Balanced Budget Act of 1997 ("Balanced Budget Act").<sup>1</sup> In brief, ACSC agrees with the vast majority of commentors who support the continued use of site-based licensing for private radio users and who recognize that auctions are not appropriate for any future licensing of radio spectrum that is already crowded with incumbents. Moreover, ACSC supports comments filed by the American Automobile Association ("AAA") which highlight the exemption from auctions that Congress expressly provided for not-for-profit

No. of Copies rec'd 016  
List ABCDE

organizations that offer emergency road services. As discussed below, this exemption is critical for emergency road service providers in highway-dependent state such as California. To implement this exemption, ACSC supports the creation of a separate “Public Service Radio Pool,” for safety-related providers that are not already members of the Public Safety Pool. ACSC also requests that a portion of any future allocation of private radio spectrum be set aside for the Public Service Radio Pool.

**I. Preliminary Statement:**

ACSC is a not-for-profit organization that was founded in 1900 and which today provides emergency road services to over four million members in Southern California. Each year, ACSC responds to over four million emergency road service calls from motorists facing a wide variety of problems, many of which endanger the safety of drivers and their passengers. Relying on the efficient use of its radios and the private radio spectrum, ACSC quickly dispatches towing operations to the scene of motor vehicle accidents or breakdowns, so that road hazards can be cleared before secondary collisions can occur. ACSC also assists motorists who are stranded or involved in accidents and transports them from roads and highways where they may otherwise be vulnerable to harm from high-speed vehicles or crime. Without question, ACSC’s prompt response to roadside emergencies saves lives. Congress has highlighted the need for prompt emergency roadside assistance, citing to a study which shows that, “while deaths from motor vehicle crashes have been declining in recent years, deaths at the scene prior to emergency medical care have doubled in the past 20 years, totaling more

---

<sup>1</sup> Pub. L. No. 105-33, Title III, 111 Stat. 251 (1997).

than 20,000 per year.”<sup>2</sup> Another report, prepared by Shell Oil Company in cooperation with the American Red Cross, the Federal Highway Administration, the National Crime Prevention Council, and the National Institute for Automotive Service Excellence, indicates that nearly 3,000 people die each year while waiting for help on roadway shoulders and medians.<sup>3</sup> These findings demonstrate that the public has a compelling need for the auto emergency services provided by ACSC and other AAA-affiliated auto clubs.

State and local public safety agencies also rely upon the emergency road services performed by ACSC. Police departments, 911 operators, and other public service agencies regularly call upon ACSC for assistance because they know that it can respond quickly in these situations. To facilitate these communications, the telephone numbers of ACSC’s dispatch centers have been programmed into many public safety and highway patrol databases and speed dialing systems. If the services provided by ACSC were not available, these government agencies would be compelled to devote their own resources to rescuing stranded motorists and clearing automotive hazards. In heavily populated areas, a single vehicle breakdown can also create severe traffic jams that paralyze commuters, wasting thousands of man-hours that the workforce must spend sitting in traffic. Such traffic jams also contribute to air pollution, a problem which is particularly acute in Southern California.

---

<sup>2</sup> H.R. Rep. No. 105-768, pt. 1, at 10 (1998).

<sup>3</sup> Shell Oil Company, Breakdown, <http://www.countonshell.com>, 1 (1999).

With these points in mind, ACSC provides below its reply to comments on the Commission's *Notice of Proposed Rulemaking*,<sup>4</sup> addressing issues relating to the "public safety radio services" exemption, particularly as it applies to emergency road services.

## **II. Congress Intended that the Spectrum Presently Allocated to the Automobile Emergency Radio Services be Exempt from Auction**

As the comments of AAA aptly demonstrate, Congress has recognized the valuable public safety service provided by emergency road services by including an exemption from auctions for radio services used by not-for-profit organizations that offer emergency road services such as the American Automobile Association (AAA).<sup>5</sup> The Commission is also aware of the public safety function of AAA auto clubs, concluding in a recent rulemaking that "automobile emergency road services have a significant quasi-public safety component involving safety on the nation's highways."<sup>6</sup> These public safety considerations support the adoption of special protections for auto emergency radio operations.

Recognizing the important public safety features of automobile emergency services, both Congress and the FCC have taken measures designed to protect and promote auto club operations. To ensure that auto clubs can continue to provide reliable emergency road services to the public, Congress expressly exempted from the Commission's auction authority all licenses issued "for public safety radio services, including private internal radio services used by State and local governments and not-for-

---

<sup>4</sup> Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as amended, *Notice of Proposed Rulemaking*, WT Docket No. 99-87, FCC 99-52 (rel. March 25, 1999) ("*NPRM*").

<sup>5</sup> See Comments of American Automobile Association ("*AAA Comments*") at 2, *citing* H.R. Rep. No. 105-217, at 572 (1997).

profit organizations.”<sup>7</sup> Congress explained in the Conference Report that “[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association. The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services.”<sup>8</sup> The Commission has acknowledged this mandate, and has returned to AAA the exclusive authority to coordinate former Automobile Emergency Radio Service (“AERS”) frequencies, basing this decision on its consideration of “the exceptionally large number of service calls handled by emergency road service providers, the fact that a significant percentage of those calls – 30 percent – involves threats to person or property, the imperative need for safety on the nation’s highways and the importance that the Congress has placed on the role of emergency road services in the 1997 Balanced Budget Act.”<sup>9</sup>

### **III. The Private Radio Industry Overwhelmingly Disapproves of Auctions**

AAA and an overwhelming majority of commentators representing a wide range of private spectrum users disapprove of the use of auctions for the licensing of private radio spectrum.<sup>10</sup> The Balanced Budget Act did expand the Commission’s competitive bidding authority, but at the same time it unequivocally stated that this expanded authority may only be exercised *consistent with the Commission’s obligation under Section 309(j)(6)(E)*

---

<sup>6</sup> Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Services and Modify the Rules Governing Them, Second Memorandum Opinion and Order, FCC 99-68, at para. 16 (rel. April 13, 1999) (hereinafter “*Second Memorandum Opinion and Order*”).

<sup>7</sup> Budget Act, § 3002(a)(2)(A).

<sup>8</sup> H.R. Report 105-217, at 572 (1997).

<sup>9</sup> *Second Memorandum Opinion and Order* at para. 18.

<sup>10</sup> See e.g., AAA Comments at 5-6; Comments of the Land Mobile Communications Council (“LMCC Comments”) at 3-5; Comments of Personal Communications Industry Association (“PCIA Comments”) at 2-4; Comments of SCANA Corporation (“SCANA Comments”) at 8-9; Comments of American Petroleum Institute (“API Comments”) at 12-14.

*to avoid mutual exclusivity.*<sup>11</sup> Because the frequency coordination process and site-by-site licensing have been successfully used for decades to avoid mutual exclusivity and ensure the efficient and intensive use of private radio spectrum, there is no reason to overturn a licensing scheme that works and upon which thousands of diverse licensees – including auto clubs – have developed radio systems that are uniquely tailored to fit their needs. Because auto clubs and other exempt entities may be licensed throughout the entire private land mobile spectrum, ACSC agrees with SCANA Corporation that intermingling of exempt and non-exempt licensees makes it impossible to administer auctions while maintaining the viability of the Public Safety Radio Services, as intended by Congress.<sup>12</sup>

#### **IV. The Auction Exemption Applies to Former AERS Spectrum *and* Non-AERS Spectrum Allocated to Auto Emergency Radio Services**

ACSC agrees with AAA that Congress' mandate included in the Balanced Budget Act of 1997 prohibits the Commission from using an auction mechanism to license former AERS frequencies, or frequencies outside of the former AERS that are used by AAA and other non-profit auto emergency users. The AERS frequencies are so heavily used in urban areas that ACSC has been forced to obtain licenses in different private land mobile frequency bands, including the 800 MHz and 900 MHz Conventional Business Radio Services. Since it is evident, considering the language of the Balanced Budget Act and the accompanying Conference Report, that Congress intended to protect AAA auto club operations on both AERS frequencies and non-AERS frequencies, the Commission may not auction frequencies outside of the former AERS channels that are used by AAA

---

<sup>11</sup> H.R. Report 105-217, at 572 (1997).

<sup>12</sup> SCANA Comments at 19.

or other not-for-profit emergency road service providers. In this regard, ACSC joins with AAA in urging the Commission to eliminate the 2-watt power restriction on eight of the thirty frequencies now designated for shore-to-vessel communications and designate AAA as the sole coordinator of those frequencies.<sup>13</sup> These channels potentially can be paired with Emergency Road Service channels and would help alleviate the shortage of private radio spectrum faced by ACSC and other auto clubs.

**V. The Commission Should Create a Public Service Radio Pool, and Include AERS Frequencies Within this Third Pool, if it Decides to Auction Licenses for Non-Exempt Services**

While site-based licensing works well for today's quasi-public safety services, including auto clubs such as ACSC, there are public safety dangers associated with licensing other entities on frequencies used by auto clubs. As noted above, ACSC agrees with the overwhelming majority of commentors who have demonstrated that the Commission should keep its current private radio licensing scheme. However, ACSC understands that the FCC may feel compelled to conduct auctions when new spectrum – spectrum that is free of incumbent users – is allocated to the private radio services. In this instance, the Commission will need to separate auctionable frequencies in the Industrial/Business Pool from exempt Public Safety Radio Service channels. ACSC therefore supports AAA and other commentors that are in favor of creating a third pool to protect applicants that provide quasi-public safety services and are entitled to apply for frequencies in former Auto Emergency, Power, Petroleum and Railroad services.<sup>14</sup>

---

<sup>13</sup> Supplemental Comments of the American Automobile Association to WT Docket No. 98-182 and PR Docket No. 92-235 (filed August 26, 1999) (“AAA Supplemental Comments”) at 2.

<sup>14</sup> Joint Comments of the American Petroleum Institute (“API”) the Association of American Railroads (“AAR”) and the United Telecom Council (“UTC”) (hereinafter the “Critical Infrastructure Industry (‘CII’) Joint Comments; API Comments at 9; AAA Comments at 8.

As noted by AAA, specific mention of that in the legislative history of the Balanced Budget Act, and the Commission's own decision that AAA should be granted coordination parity with the power, petroleum and railroad industries support the inclusion of the AERS frequencies in any new Public Service Radio Pool.<sup>15</sup> Moreover, ACSC agrees with AAA that Public Safety entities will have access to an additional 24 MHz of spectrum allocated by the Balanced Budget Act and therefore should not need to use frequencies allocated to quasi-public safety entities such as AAA.<sup>16</sup> If additional spectrum is allocated for private radio services in the future, ACSC agrees with AAA that some portion of that allocation should be set aside for the Public Service Radio Pool.<sup>17</sup>

**VI. The Commission Should Not Permit Inter-Service Sharing Between Private and Commercial Mobile Radio Systems**

ACSC is concerned about the impact that interservice sharing between private and commercial mobile radio systems may have in the private internal radio services. ACSC therefore agrees with commentors that urge the Commission not to allow Nextel or others to integrate PMRS channels into a CMRS system.<sup>18</sup> Commercial operators have numerous spectrum bands available to them, and may take advantage of policies and rules which promote the partitioning and disaggregation of CMRS spectrum. The Commission must not allow the scarce private spectrum that is available to be siphoned off for commercial uses. The Commission has just licensed numerous commercial providers in every part of the country, through a spate of auctions in the Personal Communications Services ("PCS"), Specialized Mobile Radio ("SMR") and 220 MHz bands. Spectrum that is allocated for private internal-use systems must be preserved.

---

<sup>15</sup> *Id.* at Note 13.

<sup>16</sup> *Id.* at 9.

<sup>17</sup> AAA Comments at 9-12

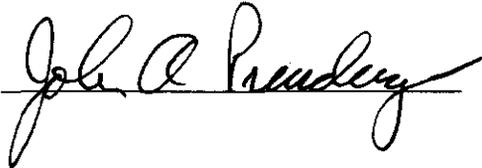
## VII. Conclusion

ACSC respectfully requests that the FCC implement the exemption from auctions that Congress intended for auto clubs and otherwise continue the use of site-based licensing for private radio spectrum that is crowded with incumbents. Any future allocation of private radio spectrum should include additional spectrum for Public Safety Radio Services, including auto clubs. Moreover, the Commission should not permit inter-service sharing or otherwise allow CMRS licensees, such as Nextel, to integrate scarce private radio channels into their commercial systems.

Respectfully Submitted,

**AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA**

By



John A. Prendergast  
D. Cary Mitchell  
Blooston, Mordkofsky, Jackson & Dickens  
2120 L Street, NW Suite 300  
Washington, DC 20037  
(202) 659-0830

Its Counsel

Date: September 30, 1999

---

<sup>18</sup> AAA Comments at 12-13; API Comments at 20-22; .

## Service List

Chairman William E. Kennard \*  
Federal Communications Commission  
445 12th St. S.W., Room 8-B201  
Washington, DC 20554

Commissioner Susan Ness \*  
Federal Communications Commission  
445 12th St. S.W., Room 8-B115  
Washington, DC 20554

Commissioner Gloria Tristani \*  
Federal Communications Commission  
445 12th St. S.W., Room 8-C302  
Washington, DC 20554

Commissioner Harold Furchgott-Roth \*  
Federal Communications Commission  
445 12th St. S.W., Room 8-A302  
Washington, DC 20554

Commissioner Michael Powell \*  
Federal Communications Commission  
445 12th St. S.W., Room 8-A204  
Washington, DC 20554

Thomas Sugrue, Chief \*  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th St. S.W., Room 3-C252  
Washington, DC 20554

D'wana R. Terry, Chief \*  
Public Safety & Private Wireless Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C321  
Washington, D.C. 20554

Gary D. Michaels Auctions and Industry \*  
Analysis Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-A634  
Washington, DC 20554

Scot Stone \*  
Public Safety and private Wireless Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-B408  
Washington, DC 20554

Elizabeth R. Sachs, Esq.  
Lukas, Nace, Gutierrez & Sachs  
111 19<sup>th</sup> Street, NW, Suite 1200  
Washington, DC 20036  
*Counsel to American Mobile  
Telecommunications Association*

Martin W. Bercovici  
Paula Deza  
Keller and Heckman, LLP  
1001 G Street, NW, Suite 500 West  
Washington, DC 20001  
*Counsel to International Municipal Signal  
Association & International Association of  
Fire Chiefs*

John L. Bartlett  
Wiley, Rein & Fielding  
1776 K Street, NW  
Washington, DC 20006  
*Counsel to Aeronautical Radio, Inc.*

Robert M. Gurss  
Wilkes, Artis, Hendrick & Lane, Chartered  
1666 K Street, NW, Suite 1100  
Washington, DC 20006  
*Counsel to Association of Public Safety  
Communications Officials International*

Michele C. Farquhar  
Steven F. Morris  
Hogan & Hartson  
555 13<sup>th</sup> Street, NW  
Washington, DC 20004  
*Counsel for American Automobile Association*

Paul G. Townsley, Vice President  
Citizens Water Resources  
1300 South Yale Street  
Flagstaff, AZ 86001

Dennis M. Diemer  
General Manager  
East Bay Municipal Utility District  
375 11<sup>th</sup> Street  
Oakland, CA 94607

James R. English  
General Manager  
San Juan Water District  
9935 Auburn Folsom Road  
Granite Bay, CA 95746

William Riley, Chair  
Texas Section  
American Water Works Association  
Water/Wastewater Division  
City of College Station  
College Station, TX 77842

Paul B. Najarian  
President  
Land Mobile Communications Council  
1110 North Glebe Road, Suite 500  
Arlington, VA 22201

Mark E. Crosby  
President/CEO  
Industrial Telecommunications Assoc. Inc.  
1110 North Glebe Road, Suite 500  
Arlington, VA 22201

W.H. Smythe, Chairman  
Taxicab and Livery Communications  
Council  
1110 North Glebe Road, Suite 500  
Arlington, VA 22201

James F. Palmer, Mayor  
City of Calhoun Water System  
P.O. Box 248  
Calhoun, GA 30703

Peter Cook  
Executive Director  
National Association of Water Companies  
1725 K Street, NW, Suite 1212  
Washington, DC 20006

Peter Tannenwald  
Tara S. Becht  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, NW, Suite 200  
Washington, DC 20005  
*Counsel for Chadmoore Wireless Group,  
Inc.*

Ronald H. Runyan, Chairman  
USMSS, Inc.  
1110 North Glebe Road, Suite 500  
Arlington, VA 22201

Samuel Klein, Chairman  
Council of Independent Communication  
Suppliers  
1110 North Glebe Road, Suite 500  
Arlington, VA 22201

Michael R. Morris, Chair  
Telephone Maintenance Frequency Advisory  
Committee  
1110 North Glebe Road, Suite 500  
Arlington, VA 22201

Paul Samuel Smith  
Nancy E. McFadden  
Office of the General Counsel  
U.S. Department of Transportation  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590

Thomas Goode  
Jeffrey L. Sheldon  
UTC  
1140 Connecticut Avenue, NW, Suite 1140  
Washington, DC 20036

William A. Anderson  
Wireless Business Center Manager  
Consumers Energy  
1945 W. Parnall Road  
Jackson, MI 49201

Franklyn W. Pogge, P.E.  
Deputy Director  
Kansas City, Missouri Water Service  
Department  
414 E. 12<sup>th</sup> Street, 5<sup>th</sup> Floor City Hall  
Kansas City, MO 64106

Don Wesley, Mayor  
City of Lincoln Water System  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Ingrid Kane-Johnson, Esq.  
30 West Superior Street  
Duluth, MN 55802  
*Counsel for Minnesota Power, Inc.*

Paul M. Blum  
Wisconsin Public Service Corporation  
2850 S. Ashland Avenue  
Green Bay, WI 54307

Terrence M. Burns  
Arizona Public Service Company  
Mail Station 3864  
P.O. Box 53933  
Phoenix, AZ 85072

Jerry Young, Senior Manager  
Field Communications/EMS  
Western Resources  
P.O. Box 208  
Wichita, KS 67201

Andrew DeGraca  
Water Quality Bureau Manager  
San Francisco Public Utilities Commission  
1000 El Camino Real  
Millbrae, CA 94030

Jerome G. Obrist  
Chief Engineer Waterworks  
Lincoln Water System  
2021 North 27<sup>th</sup> Street  
Lincoln, NE 68503

Jim Sequiera, Director  
Department of Utilities  
City of Sacramento  
1395 35<sup>th</sup> Avenue  
Sacramento, CA 95822

Raul R. Rodriguez  
Stephen D. Baruch  
Walter P. Jacob  
Leventhal, Senter & Lerman P.L.L.C.  
2000 K Street, NW, Suite 600  
Washington, DC 20006  
*Counsel for Trimble Navigation Limited*

Shirley S. Fujimoto  
McDermott, Will & Emery  
600 13<sup>th</sup> Street, NW  
Washington, DC 20005  
*Counsel for Entergy Services, Inc.*

Carole C. Harris  
McDermott, Will & Emery  
600 13<sup>th</sup> Street, NW  
Washington, DC 20005  
*Counsel for Commonwealth Edison  
Company*

Richard C. Barth  
Vice President & Director  
Telecommunications Strategy & Regulation  
Motorola, Inc.  
1350 I Street, NW  
Washington, DC 20005

Ted S. Henry, President  
Henry Radio, Inc.  
2050 South Bundy Drive  
Los Angeles, CA 90025

Shirley S. Fujimoto  
Kirk S. Burgee  
McDermott, Will & Emery  
600 13<sup>th</sup> Street, NW  
Washington, DC 20005  
*Counsel for Union Electric Co. d/b/a Ameren  
UE and Central Illinois Public Service Co. d/b/a  
Ameren CIPS*

Carole C. Harris  
McDermott, Will & Emery  
600 13<sup>th</sup> Street, NW  
Washington, DC 20005  
*Counsel for SCANA Corporation*

Shirley S. Fujimoto  
McDermott, Will & Emery  
600 13<sup>th</sup> Street, NW  
Washington, DC 20005  
*Counsel for Cinergy Corporation*

Leigh M. Chinitz, Manager  
Telecommunications Strategy and Spectrum  
Motorola, Inc.  
1350 I Street, NW  
Washington, DC 20005

Michael A. Lees, President  
Western Communications, Inc.  
3106 S. Highway 79  
Rapid City, SD 57701

Cathy Harrison  
City Administrator  
City of Calhoun, Georgia  
P.O. Box 248  
Calhoun, GA 30703

Frank J. DeMicco, President  
United Water New Jersey  
200 Old Hook Road  
Harrington Park, NJ 07640

Thomas J. Keller  
John M. Kneuer  
Verner, Liipfert et al  
901 15<sup>th</sup> Street, NW, Suite 700  
Washington, DC 20005  
*Counsel for Association of American  
Railroads*

Wayne V. Black  
Nicole B. Donath  
Keller & Heckman LLP  
1001 G Street, NW, Suite 500 West  
Washington, DC 20001  
*Counsel for American Petroleum Institute*

Billy G. Turner, President  
Columbus Water Works  
1421 Veterans Parkway  
Columbus, GA 31901

Patrick J. Collins  
Manager – Wireless Systems  
American Electric Power Service  
Corporation  
1 Riverside Plaza  
Columbus, OH 43215

John H. Sullivan, P.E.  
Deputy Executive Director  
American Water Works Association  
Government Affairs Office  
1401 New York Avenue, NW, Suite 640  
Washington, DC 20005

Chris De Gabriele  
General Manager  
North Marin Water District  
999 Rush Creek Place  
Novato, CA 94948

Mark Premo, P.E.  
General Manager's Office  
Anchorage Water & Waste Utility  
3000 Arctic Boulevard  
Anchorage, AK 99503

William C. Linam, President  
United Water Idaho Inc.  
8248 West Victory Road  
Boise, ID 83709

William H. Gavan  
General Manager  
West Virginia Parkways Economic  
Development & Tourism Authority  
P.O. Box 1469  
Charleston, WV 25325

Merrill T. See  
5651 North 8<sup>th</sup> Street  
Kalamazoo, MI

Sam Nelson  
General Manager  
Kay Communications, Inc.  
3307 E. Napoleon Street  
Sulphur, LA 70663

George Petrutsas  
Fletcher, Heald & Hildreth  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Rosslyn, VA 22209  
*Counsel for Forest Industries  
Telecommunications*

Jonathan L. Wiener  
Goldberg, Godles, Wiener & Wright  
1229 19<sup>th</sup> Street, NW  
Washington, DC 20036  
*Counsel for Central and South West  
Corporation*

Larry Plotzke  
Corporate Services  
Alliant Energy  
P.O. Box 481  
22 Second Street, NW  
Mason City, IA 50402

Michael C. Ascher, President  
Triborough Bridge and Tunnel Authority  
Robert Moses Building  
Randall's Island  
New York, NY 10035

Thomas C. Smith  
1310 Vandenburg Street  
Sun Prairie, WI 53590

Curtis C. Rees  
Rees Communications  
Box 1087  
Ft. Pierre, SD 57532

David E. Hilliard  
Wiley, Rein & Fielding  
1766 K Street, NW  
Washington, DC 20554  
*Counsel for Amtech Systems Division*

Kenneth M. Iwashita  
Manager, Public Affairs  
Lubrizol Corporation  
29400 Lakeland Boulevard  
Wickliffe, OH 44092

Matthew Edelman  
Executive Director  
TRANSCOM  
Newport Financial Center  
111 Pavonia Avenue, 6<sup>th</sup> Floor  
Jersey City, NJ 07310

Frederick J. Day  
Day & Cukier  
5673 Columbia Pike, Suite 100  
Falls Church, VA 22041  
*Counsel for Ray's Radio Shop, Inc.*

William K. Keane  
Arter & Hadden LLP  
1801 K Street, NW, Suite 400K  
Washington, DC 20006  
*Counsel for MRFAC, Inc.*

Alan S. Tilles, Esq.  
David E. Weisman, Esq.  
Shulman, Rogers, Gandal et al.  
11921 Rockville Pike, 3<sup>rd</sup> Floor  
Rockville, MD 20852  
*Of Counsel: Personal Communications Industry  
Association*

Thomas L. Osborne  
Executive Secretary  
Maryland Transportation Authority  
303 Authority Drive  
Baltimore, MD 21222

James A. Crawford  
Executive Director  
South Jersey Transportation Authority  
P.O. Box 351  
Farley Service Plaza  
Hammonton, NJ 08037

Dorothy E. Cukier  
Day & Cukier  
5673 Columbia Pike, Suite 100  
Falls Church, VA 22041  
*Counsel for Private International Radio Service  
Coalition*

Mary McDermott  
Donald Vasek  
Personal Communications Industry  
Association  
500 Montgomery Suite, Suite 700  
Alexandria, VA 22314

Alan S. Tilles, Esq.  
David E. Weisman, Esq.  
Shulman, Rogers, Gandal et al.  
11921 Rockville Pike, 3<sup>rd</sup> Floor  
Rockville, MD 20852  
*Counsel for North Texas Communications  
Council*

Lewis B. Thurston  
Executive Director  
New Jersey Highway Authority  
P.O. Box 5050  
Woodbridge, NJ 07095

John R. Platt  
Executive Director  
New York Thruway Authority  
P.O. Box 189  
200 Southern Blvd.  
Albany, NY 12201

David Alan Nall  
Kelly A. Quinn  
Squire, Sanders & Dempsey, LLP  
1201 Pennsylvania Avenue, NW  
Washington, DC 20044  
*Counsel for The Boeing Company*

Scott R. Leonard  
Communications Group Manager  
NYSTEC  
75 Electronic Parkway  
Rome, NY 13441

Edwin N. Lavergne  
J. Thomas Nolan  
Kathrine Calderazzi  
Shook, Hardy & Bacon LLP  
600 14<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20005  
*Counsel for Radscan, Inc.*

Henry Goldberg  
Jonathan L. Wiener  
Goldberg, Godles, Wiener & Wright  
1229 19<sup>th</sup> Street, NW  
Washington, DC 20036  
*Counsel for Hewlett-Packard Company*

Sheldon R. Bentley, Director  
Government Affairs  
Shares Services Group  
The Boeing Company  
1200 Wilson Boulevard  
Arlington, VA 22201

Lawrence J. Movshin  
Timothy J. Cooney  
Jeffrey S. Cohen  
Wilkinson Barker Knauer, LLP  
2300 N Street, NW, Suite 700  
Washington, DC 20037  
*Counsel for Cellnet Data Systems, Inc.*

George Y. Wheeler  
Koteen & Naftalin, LLP  
1150 Connecticut Avenue, NW, Suite 100  
Washington, DC 20036  
*Counsel for Mark IV Industries, Ltd.*

Neil D. Schuster\*  
Executive Director  
International Bridge, Tunnel & Turnpike  
Association  
2120 L Street, NW, Suite 305  
Washington, DC 20037

Brian R. Moir  
Moir & Hardman  
1828 L Street, NW, Suite 901  
Washington, DC 20036  
*Counsel for International Communications  
Association*

David Land, P.E.  
Ponca City Refinery  
1000 S. Pine  
Ponca City, OK 74602

Jere W. Glover  
Chief Counsel for Advocacy  
United States Small Business  
Administration  
409 3<sup>rd</sup> Street, SW  
Washington, DC 20416

David Schumacher, Administrator  
Wisconsin Department of Transportation  
4802 Sheboygan Avenue  
Madison, WI 53707

Anthony D. Braunscheidel  
Buffalo & Fort Erie Public Bridge  
Authority  
Peace Bridge Plaza  
Buffalo, NY 14213

Timothy R. Graham  
Joseph M. Sandri, Jr.  
Barry J. Ohlson  
Winstar Communications, Inc.  
1146 19<sup>th</sup> Street, NW, Suite 200  
Washington, D.C. 20036

Robert S. Foosaner  
Lawrence R. Krevor  
Laura L. Holloway  
Nextel Communications, Inc.  
2001 Edmund Halley Drive  
Reston, VA 20191

Christopher D. Imlay  
Booth, Freret, Imlay & Tepper  
5101 Wisconsin Avenue, NW, Suite 307  
Washington, DC 20016  
*Counsel for Kenwood Communications  
Corporation*

Robert H. Schwaninger, Jr.  
Michael L. Higgs, Jr.  
Delaney M. DiStefano  
Schwaninger & Associates, P.C.  
1835 K Street, N.W.  
Washington, DC 20006  
*Counsel to Small Business in  
Telecommunications*

International Transcription Service, Inc. \*  
1231 20<sup>th</sup> Street, N.W.  
Washington, DC 20037

\* Via Hand Delivery