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December 6, 1999

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Room TW-A325, The Portals
445 Twelfth Street, S.W.
Washington, D. C. 20554

RECEIVED
DEC - 6 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WT Docket No. 99-168
WT Docket No. 99-87
PR Docket No. 92-235
Ex Parte Presentation

Dear Ms. Salas:

This is to advise that on Friday, December 3, the undersigned, representing MRFAC, Inc., met with Kathleen Ham, Deputy Chief, Wireless Telecommunications Bureau, and Mark Rubin and Michael Wilhelm of the Bureau staff, in connection with the above proceedings.

The points made during those meetings are reflected in MRFAC's filings in the three proceedings as amplified below.

In particular, MRFAC stressed that, if the Commission should see fit to implement a band manager approach for private wireless spectrum at 700 MHz, the agency should ensure that its policies make room for multiple band managers per market -- just as the Commission envisioned when it first floated the band manager concept in its Notice of Proposed Rulemaking in WT Docket No. 99-87. MRFAC further stressed that, if 6 MHz were allocated for private radio, there was enough spectrum to provide for three or even four band managers per market area, each of which would control a significant number of channels. For example, if there were four band managers, each would have 750 kHz. At 12.5 kHz channel widths, this would equate to 60 channels per market area; at 6.25 kHz it would equal 120 channels per area.

In MRFAC's view the notion of having only two band managers per area (one of which would be a nationwide licensee) would offer no competitive choice at all; rather, it resembles a duopoly offering the illusion of choice at vastly inflated prices. And while four providers per market hardly represents robust competition, it is better than only one or two.

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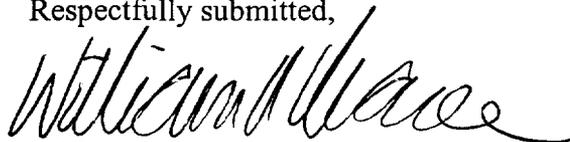
Nor does MRFAC see any persuasive reason for limiting customer choice based on a need to facilitate band clearing. Multiple band managers could pool their efforts in seeking an exit by incumbent TV broadcasters prior to the 2006 date. Indeed, the Commission has experience formulating policies and procedures to facilitate band clearing in a multi-provider context in the case of PCS providers and the 2 GHz microwave band.

If the Commission were not to adopt a multiple band manager policy, then the agency should consider alternative means of protecting end users in what would amount to a Commission-blessed monopoly. Specifically, the agency should adopt strict terms and conditions backed up by a rigorous audit and enforcement regime for band managers. Among other things, such a program should require that band managers abide by a published schedule of rates and charges, that rates be cost-based, and that those rates and practices be free of unreasonable discrimination. While MRFAC can appreciate the Commission's reluctance to engage in common carrier - type regulation, an approach like this (or perhaps the novel concept advanced by The Boeing Company for a Band Administrator awarded by government contract), would be essential to ensure that the 6 MHz, if allocated, would be worth the candle.

Finally, MRFAC discussed the merits of its proposed resolution of the coordination rule/separate pool issue raised in the re-farming and Budget Act implementation proceedings including implementation of a contour overlap-based, coordination "trigger" approach for incumbent licensees occupying VHF and UHF channels shared with pipeline and utility entities.

An original and multiple copies of this letter are supplied for inclusion in the dockets of the above three proceedings.

Respectfully submitted,



William K. Keane
Counsel for MRFAC, Inc.

cc: Kathleen O'Brien Ham
Mark Rubin
Michael Wilhelm