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Business  
Communications  
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FEBRUARY 8, 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie R. Salas, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW, Room TW-A 325  
Washington, DC 20554

**Re: Notice of oral *ex parte* communication  
Relicensing of Certain Part 90 Frequencies to Require Spectrally  
Efficient Use (RM - 9705)  
800 MHz SMR (PR Docket No. 93-144)  
Implementation of Sections 309(j) and 337 of the  
Communications Act, as amended (WT Docket No. 99-87)**

To the Secretary:

On February 8, 2000, the American Mobile Telecommunications Association, Inc. ("AMTA," the Association) made an oral *ex parte* communication in the above-referenced proceedings to Ramona Melson and Herb Zeiler, Deputy Chiefs of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau, and Zenji Nakazawa of the Division. Division Chief D'wana Terry participated in the meeting by telephone. The purpose of the meeting was to discuss the status of various proceedings.

AMTA asked about the anticipated timing of a decision in WT Docket No. 99-87, and also asked whether the Wireless Telecommunications Bureau was considering consolidating its Petition for Rulemaking into that proceeding. Association members are increasingly concerned about the state of the 450-470 MHz band. As AMTA's Petition for Rulemaking states, the current shared licensing environment and resulting congestion is creating increasing interference among users, leading to inefficient spectrum use. Moreover, the present licensing framework makes it highly unlikely that licensees will implement new technology, as they are unable to implement business plans that would justify such an investment.

The situation has deteriorated further since AMTA's Petition was filed on July 30, 1999. Since rules for the 450-470 MHz band are among those under consideration in the

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Balanced Budget Act proceeding, AMTA is not opposed to consolidation of its Petition into that proceeding if such action will mean a more timely decision.

AMTA also indicated that its position on the Band Manager concept in the private land mobile frequency bands remains dependent on how the Commission implements the concept elsewhere. AMTA members have indicated their willingness to bid for Band Manager licenses if eligible to do so, but as commercial operators, would prefer the flexibility to construct systems on at least part of their licensed spectrum.

Also discussed in the meeting was the question of whether entities may offer commercial, SMR services on non-SMR pool channels to which they may be retuned in the 800 MHz band. It has been AMTA's understanding that such channels, originally obtained through inter-category sharing to supplement SMR channels in a licensee's system, could be transferred as SMR channels so long as they remained combined with SMR pool channels in the retuned system. To facilitate the retuning process which the FCC has imposed on the 800 MHz SMR industry, AMTA urged that the Bureau permit 800 MHz frequencies that are the subject of assignment or transfer in the retuning process to retain the status shown on the current license.

Pursuant to Section 1.1206(b) of the Commission's Rules and Regulations, 47 C.F.R. § 1206(b), two copies of this Notice are provided for each referenced proceeding.

Respectfully submitted,



Jill M. Lyon  
Senior Vice President for Regulatory Relations  
& Deputy General Counsel

cc: D'wana Terry, Division Chief  
Herb Zeiler, Deputy Chief  
Ramona Melson, Deputy Chief  
Zenji Nakazawa, Branch Chief