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May 11, 2000

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Opposition of APCO to The Rural Cellular Association's Petition For Stay
Of the Implementation of Amended Sections 20.18(d) and (j) of the
Commission's Rules; CC Docket No. 94-102; RM-8143

Ex Parte Submission of the Rural Cellular Association ("RCA")

Dear Ms. Salas:

On May 4, 2000, the Association of Public-Safety Communications Officials-International, Inc. ("APCO") filed an Opposition to RCA's Petition for Stay in the above-referenced proceeding ("Opposition"). The record should reflect the procedural deficiencies and substantive flaws of the Opposition.

Pursuant to Section 1.45(d) of the Commission's Rules, oppositions to a petition for stay must be filed within seven days after the petition is filed.¹ RCA's Petition for Stay was filed with the Commission on April 21, 2000; accordingly, the Opposition should have been filed by April 28th. Because APCO's Opposition was filed after the due date, it is procedurally defective and should not be considered.

If the Commission waives its procedural requirements and considers the Opposition's substance, APCO's assertions should be found to be substantively deficient. APCO assumes, without foundation, that state and local governments will implement rules to "satisfy the concerns of rural carriers" instead of addressing RCA's argument that a federal requirement was eliminated without an adequate basis in the record and that other elements of due process were ignored. In addition, APCO's projection regarding the potential future use of handset-based technologies is merely conclusory and does not address RCA's contention that instituting a subscriber-based cost recovery mechanism will have a strong anti-competitive effect. APCO also fails to provide any

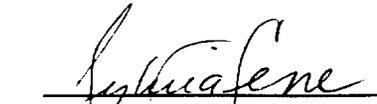
¹Section 1.45(d) also states that the provisions of Section 1.4(h) of the Commission's Rules do not apply when calculating the seven day time period.

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evidence for its bold assertion that a stay of the rules would adversely affect carriers and local PSAPs that have “created their future and regulatory plans based on the effectiveness of these [amended] rules.” In fact, the opposite is true. As noted in RCA’s Petition for Stay, carriers and PSAPs have been basing their plans on the unamended rule for many years and have only begun to consider the ramifications of the amended rule within the last few months.

Respectfully submitted,

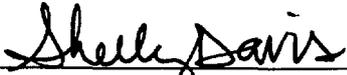
The Rural Cellular Association


By: Sylvia Lesse
John Kuykendall

Its Attorneys

CERTIFICATE OF SERVICE

I, Shelley Davis, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Petition for Stay" of The Rural Cellular Association" was served on this 11th day of May 2000, by first class, U.S. Mail, postage prepaid to the following parties:


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