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A Partnership Including
Professional Corporations
600 13th Street, N.W.
Washington, D.C. 20005-3096
202-756-8000
Facsimile 202-756-8087
www.mwe.com

Christine M. Gill
Attorney at Law
cgill@mwe.com
202-756-8283

Boston
Chicago
London
Los Angeles
Miami
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St. Petersburg
Silicon Valley
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MCDERMOTT, WILL & EMERY

October 27, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

HAND DELIVERED

Ms. Magalie R. Salas
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W., #TW-A325
Washington, D.C. 20554

**Re: *Ex Parte* Presentation; Establishment of Public Service Radio Pool in the
Private Mobile Frequencies Below 800 MHz; WT Docket No. 99-87,**

Dear Ms. Salas:

Pursuant to Section 1.1206(b) of the Commission's rules, this to inform you that on October 25 and 26, 2000, Christine Gill of McDermott, Will & Emery, counsel for Southern Communications Services, Inc. had an *ex parte* communication with the following regarding the above-referenced proceeding: (1) Clint Odom, Legal Advisor to Chairman William Kennard; (2) Bryan Tramont, Legal Advisor to Commissioner Harold Furchtgott-Roth; (3) Adam Krinsky, Legal Advisor to Commissioner Gloria Tristani; (4) Mark Schneider, Legal Advisor to Commissioner Susan Ness; and (5) Peter Tenhula, Legal Advisor to Commissioner Michael Powell. The communication concerned the matter described below.

Southern is concerned that the Commission not adopt any restrictions in this proceeding which would impose a different construction standard for the transfer of SMR licenses converted from I/LT and Business channels than was adopted in the recently concluded *Fresno Mobile* proceeding.¹ There, the Commission held that incumbent wide-area SMR licensees with converted I/LT and Business channels have five years to construct and place into operation a sufficient number of stations to cover at least two-thirds of their population, or to provide substantial service to their licensed areas.

Southern's concern stems from its understanding that the Commission may allow some degree of flexibility in transfers of I/LT and Business channels to commercial entities. Southern

¹ *In the Matter of Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band*, PR Docket No. 93-144, *Memorandum Opinion and Order*, FCC 00-288 (Aug. 4, 2000).

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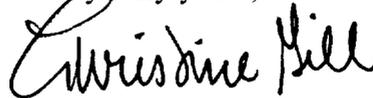
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further understands that the Commission may make such transfers subject to certain restrictions intended to prevent trafficking. No such restrictions, however, should be tied to construction. The *Fresno Mobile* construction standard was enacted only after extended rulemaking and litigation. A new construction restriction would alter that standard less than a year after it was adopted.

Therefore, Southern urges that the Commission not adopt any restrictions on transfers of converted I/LT and Business channels that would in essence impose a different construction standard than it adopted in *Fresno Mobile*.

An original and one copy of this letter are provided for inclusion in the record in this proceeding.

Very truly yours,

A handwritten signature in black ink that reads "Christine M. Gill". The signature is written in a cursive, flowing style.

Christine M. Gill

cc: Clint Odom
Bryan Tramont
Adam Krinsky
Mark Schneider
Peter Tenhula