Communications Act. The courts have emphatically endorsed the importance of prohibiting discrimination in telecommunications, with the D.C. Circuit Court of Appeals characterizing Section 202's mandate as "flat and unqualified" and "a matter of public interest and policy."[51] The FCC has also found that the provision of roaming is subject to the requirements of Section 202.[52]

Although, as explained in the preceding section, there are numerous practical disadvantages to utilizing Section 202 alone to target discriminatory roaming practices, several of those disadvantages would be largely precluded by a roaming-specific non-discrimination rule. For example, in most circumstances a rule should eliminate the need to file a complaint and go through cumbersome litigation under Section 208. At a minimum, it would provide a definitive standard and allow petitioners to proceed with greater certainty.

In fashioning a non-discrimination requirement, the FCC asks for comments on how it should define "similarly situated providers."[53] Southern submits that in the roaming context, carriers should not be distinguished beyond identifiable market segments such as digital SMR, cellular, and PCS. All carriers interested in entering roaming agreements within these discrete segments (*i.e.*, SMR to SMR, cellular to cellular, and PCS to PCS) are likely to benefit from them and thus enhance competition; it does not matter how many subscribers a carrier has, how large its coverage area is, how its corporate organization is structured, or what type of customer it primarily serves. All that is important is that a carrier's equipment is technically compatible with the roamed-on carrier's equipment, or can be made compatible. For example, in the digital

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51 *American Trucking Associations v. FCC*, 377 F.2d 121, 130 (D.C. Cir. 1966), *cert. denied*, 386 U.S. 943 (1967).

52 *NPRM* at ¶ 15.

53 *NPRM* at ¶ 21.

SMR market segment, if a carrier has a roaming agreement with one or more other carriers, and another carrier's technology is compatible or can be made compatible, that carrier should be deemed similarly situated and its customers allowed to roam on the system.

Southern would also contend that domestic and foreign carriers should be deemed similarly situated. It would be antithetical to the Telecommunications Act of 1996's goal of increasing domestic competition for a carrier to be able to enter roaming agreements with foreign carriers and give their customers the benefit of roaming while in the United States, but not be required to enter agreements that would similarly benefit United States citizens. The need for this provision is evidenced by the fact that Nextel has roaming agreements with carriers in 75 foreign countries.[54]

Additionally, if a carrier enters a roaming agreement with an affiliate or otherwise related company, it should have to make like agreements available to other carriers under non-discriminatory rates, terms, and conditions. The need for this provision is evidenced by the fact that Nextel has a roaming agreement in place with its majority-owned affiliate Nextel Partners but refuses to enter agreements with any other U.S.-based carriers. Without an affiliate provision, a non-discrimination provision could fail to reach such agreements and, thus, be ineffectual.

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54 As stated on Nextel's web site at http://www.nextel.com/products/servicecatalog/ worldwide/ country_list.shtml.

III. THE MANUAL ROAMING RULE SHOULD NOT BE ELIMINATED NOR SUNSET UNLESS THE FCC ADOPTS AN AUTOMATIC ROAMING RULE FOR DIGITAL SMR CARRIERS

In the *NPRM*, the FCC seeks comment on whether the manual roaming rule should be eliminated, and if not, whether it should be sunset.[55] It also seeks comment on whether any automatic roaming requirements it adopts should be sunset.[56] Southern submits that the manual roaming rule should not be eliminated nor sunset unless the FCC adopts an automatic roaming rule for digital SMR. It also contends that if the FCC adopts an automatic roaming rule, it should not set a sunset date at that time.

One of the FCC's stated reasons for possibly eliminating or sunsetting the manual roaming rule is that it may no longer be relevant given the current state of technology.[57] Southern acknowledges that manual roaming is not an ideal option. Nonetheless, for customers that do not have access to automatic roaming, it is better than not being able to use their phone at all outside their carrier's coverage area. As explained above, at least in regard to digital SMR service, some customers do not have access to automatic roaming and the only carriers that could provide it to them will not do so voluntarily. In light of those facts, unless the FCC adopts an automatic roaming rule, it would be wrong to eliminate the manual roaming rule.

Another of the FCC's possible reasons for eliminating or sunsetting the manual roaming rule is its concern that it may no longer be necessary given the current state of competition.[58] In that regard, the FCC renews the tentative conclusion it made in 1996 in the *Third Notice of*

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55 *NPRM* at ¶¶ 31-32.

56 *NPRM* at ¶ 32.

57 *NPRM* at ¶¶ 31-32.

58 *NPRM* at ¶¶ 31-32.

Proposed Rulemaking in CC Docket No. 94-54, the predecessor to this docket.[59] That conclusion was as follows:

> We believe that once broadband PCS providers' buildout periods are completed, sufficient wireless capacity will be available in the market [to preclude] either the incentive or the ability to unreasonably deny manual roaming to an individual subscriber, or to unreasonably refuse to enter into an automatic roaming agreement with another CMRS provider, because some other carrier in its service area would be willing to do so. We anticipate . . . that the market for cellular, broadband PCS and covered SMR services will be substantially competitive within five years after we complete the initial round of licensing broadband PCS providers . . . therefore . . . any action taken concerning [manual or] automatic roaming should sunset five years after we award the last group of initial licenses for currently allocated broadband PCS spectrum.[60]

The preceding sections of these Comments make clear that with regard to SMR, the FCC's predictions completely missed the mark. The SMR industry has consolidated, not expanded, leading the FCC to proclaim in the *NPRM*, "Digital SMR remains dominated by one provider, Nextel . . . ."[61] Commensurate with Nextel's hold on the market, sufficient 800 MHz capacity is not available to preclude it from unreasonably refusing to enter manual roaming agreements. As it stands, Southern and Pacific Wireless can roam only with Nextel, Nextel Partners, or each other (which is of little practical benefit due their regional coverage areas and distance from each other). Nextel's past conduct with Southern of refusing to enter an automatic roaming agreement and interminably delaying a manual roaming agreement demonstrate its propensity to refuse to enter a manual roaming agreement unless forced to do so by rule. Therefore, unless the FCC adopts an automatic roaming rule, a manual roaming rule is still necessary for digital SMR.

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59 *NPRM* at ¶ 32.

60 *Second R&O*, 11 FCC Rcd. at 9479, ¶ 32.

61 *NPRM* at ¶ 11.

As an additional reason for not eliminating or sunsetting the manual roaming rule, Southern would reiterate that it has been trying to get Nextel to enter a manual roaming agreement for approximately four years. Nextel has delayed doing so with the excuse that it is still working out the technical problems such an agreement would engender. Again, Southern submits that Nextel's position is without merit. In any event, at this time it would almost certainly refuse to work any further toward an agreement if the FCC takes away its obligation to do so. Thus, eliminating or sunsetting the manual roaming rule would reward Nextel's delay, something the FCC should not do. Southern also believes that it would be arbitrary and capricious for the FCC to sunset the manual roaming rule since regulatory uncertainty encouraged delay in effecting roaming agreements.[62]

In terms of sunsetting an automatic roaming rule adopted for digital SMR, Southern believes that doing so would be a mistake. As the state of competition in the SMR industry currently stands, Nextel has an incentive to simply "pull the plug" on automatic roaming agreements with its competitors upon the expiration date of a rule. To be sure, its present conduct does nothing to alleviate that concern. Therefore, if the FCC adopts an automatic roaming rule, it should not set a sunset date for it at this time. Southern does believe, however, that the Commission should revisit the issue when market conditions have changed to the point where government intervention may no longer be necessary.

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[62] For example, Nextel's Petition for Reconsideration of the manual roaming requirement, in which it took the position that it was not required to enter into manual roaming agreements, was on file for nearly four years before the FCC addressed it.

IV. NEXTEL'S UNREASONABLE REFUSAL TO ENTER INTO AUTOMATIC ROAMING AGREEMENTS WITH ITS COMPETITORS RAISES SERIOUS CONCERNS REGARDING UNLAWFUL MONOPOLIZATION IN VIOLATION OF THE SHERMAN ACT

Although the Commission's jurisdiction does not extend to enforcing the antitrust laws, Southern believes that the FCC should consider the pro-competitive underpinnings of the antitrust laws in considering the issue of automatic roaming. Specifically, it should consider Nextel's dominance of the 800 and 900 MHz SMR spectrum that enables it to squash competition in the trunked dispatch segment of the SMR market. This competitive distortion can be remedied in part if the FCC institutes the proposed automatic roaming rule.

The Sherman Act[63] was promulgated to protect trade and commerce against unlawful restraints and monopolies. Specifically, Section 2 of the Sherman Act makes it unlawful for a company to "monopolize" or "attempt to monopolize," trade or commerce.[64] As the law has been interpreted, it is not necessarily illegal for a company to have a monopoly. The law is only violated when a company tries to maintain or acquire a monopoly position through tactics that either unreasonably exclude competitors from the market or significantly impair their ability to compete.

Under certain conditions, a refusal to deal with competitors may constitute a predatory and monopolistic act. One such instance arises when a company has obtained monopoly power *and* controls an essential facility. When a monopolist controls an essential facility, the courts

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63 15 U.S.C. §§ 1-7 (1994).

64 15 U.S.C. § 2.

have imposed an affirmative duty on the monopolist to make the essential facility available to its competitors if it can be technically and feasibly accomplished.[65]

The Commission should be guided in its consideration of the automatic roaming rule by one of the seminal essential facilities cases, *MCI Communications Corp. v. AT&T.*[66] In that case, MCI argued that AT&T improperly refused to let it interconnect with AT&T's nationwide telephone network and that doing so was essential for MCI to compete against AT&T in the long distance market. In analyzing MCI's claim, the court considered the following four elements: (1) control of the essential facility by a monopolist; (2) a competitor's inability practically or reasonably to duplicate the essential facility; (3) denial of the use of the facility to a competitor; and (4) the feasibility of providing the facility.[67]

The Seventh Circuit, applying the essential facilities doctrine, held that AT&T's nationwide network could not be reasonably duplicated by MCI. The Seventh Circuit also found that "it was technically and economically feasible for AT&T to have provided the requested interconnection, and that AT&T's refusal to do so constituted an act of monopolization."[68] As a result, the court ordered AT&T to provide the interconnection to MCI.

As discussed below, Southern believes that Nextel has obtained monopoly power in the SMR market, controls the essential facility necessary for SMR operators to provide services -- a

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65 *Otter Tail Power Co. v. United States*, 410 U.S. 366 (1973) (upholding liability of a wholesale supplier of electricity that refused to supply power to a power system that competed with it for retail customers where other power companies had no other source of supply).

66 708 F.2d 1081 (7th Cir.), *cert. denied*, 464 U.S. 891 (1983).

67 *Id.* at 1133.

68 *Id.* at 1132.

national network of 800 and 900 MHz SMR spectrum -- and refuses to make it available to its competitors by denying access to its networks through roaming agreements even though it is technically feasible to do so.

A. The Trunked Dispatch Market Is The Relevant Product Market For Analyzing The Monopolization Of 800 And 900 MHz Spectrum

The relevant market for analyzing the necessity of automatic roaming in the antitrust context is the trunked dispatch segment of the SMR market. There are only two sets of frequencies available for trunked dispatch SMR operations: 800 and 900 MHz spectrum. A total of approximately 19 MHz is available for use by SMRs, 14 in the 800 MHz band and 5 in the 900 MHz band. While existing equipment places limitations on the interchangeability of 800 and 900 MHz SMR spectrum,[69] Motorola is conducting research with regard to the development of an iDEN handset that will incorporate both bands.[70] In any event, 800 and 900 MHz SMR spectrum are the only bands used to provide trunked dispatch SMR services.

The availability of 800 and 900 MHz spectrum is crucial to the competitive viability of SMR providers currently in the market and to companies interested in entering the SMR market. Because of technological constraints, SMR providers committed to a particular technology cannot move freely to other spectrum bands that may be available for other CMRS services. Thus, for example, an SMR provider using iDEN technology cannot incorporate cellular or PCS spectrum into its system, even if it were readily available, for roaming or any other purpose.

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69 *See* Specialized Mobile Radio Service, Wireless Telecommunications Bureau at http://www.fcc.gov/wtb/smrs.

70 The availability of 900 MHz frequencies in sufficiently large blocks will be essential to a competitor's ability to expand its service because there is virtually no more 800 MHz spectrum available.

In anticipation of an argument regarding the availability of 220 MHz spectrum, Southern would note at this time that the 220 MHz band is not a reasonable alternative to 800 and 900 MHz SMR spectrum. While the Commission has made 220 MHz spectrum available for development in the SMR market as a possible alternative to 800 and 900 MHz SMR spectrum, it has not proved to be a viable substitute. Potential users of this spectrum are already discovering that it subjects adjoining systems to interference and cross talk. To use it to successfully compete, an SMR provider would have to undertake a significant investment to develop the necessary infrastructure to address these significant technical difficulties and reach economies of scale.

Additionally, no major SMR manufacturer provides equipment compatible with 220 MHz spectrum. SEA and Intek Global are the only manufacturers offering equipment that supports 220 MHz spectrum. The equipment manufacturers who dominate the 800 and 900 MHz SMR spectrum markets, Motorola, Kenwood, Ericsson, Uniden, etc., are notably absent from the 220 MHz equipment market. Further, the failure of the Commission to sell a substantial number of licenses in the first 220 MHz auction, and the low prices the Commission had to settle for when it held a follow-up auction, demonstrate that SMR providers do not consider 220 MHz spectrum a competitively viable alternative.[71]

Additionally, a market definition limited to 800 and 900 MHz SMR spectrum is supported by prior Department of Justice and Commission decisions. In analyzing the relevant product market for the acquisition of 800 and 900 MHz SMR spectrum for use in dispatch services, the Department of Justice determined that the trunked dispatch market is the relevant

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[71] *See FCC Closes 220 MHz Auctions; Raises $21.6M*, Network Briefing, Oct. 27, 1998; *FCC's Reauction of 220 MHz Licenses Draws to a Close*, Wireless Today, June 30, 1999.

market for purposes of analyzing Nextel's acquisition of this spectrum.[72] Likewise, the Commission's detailed analysis of this market in its 1997 *Pittencrieff* decision concluded that for purposes of merger analysis, the Commission should not look at the entire CMRS market but the distinct market segment for dispatch services within the CMRS market.[73]

There simply is no competitive substitute for 800 and 900 MHz spectrum once an SMR provider has developed its infrastructure to support this type of spectrum. Moreover, even for new entrants, for the reasons stated above the 220 MHz band does not provide a sufficient competitive alternative.

B. Nextel Has Market Power In The Relevant Market And Is Continuing To Grow Its Market Power Through Acquisition Of Both 800 MHz And 900 MHz Spectrum

Nextel's network has coverage in more than 400 cities, including 178 of the top 200 markets in the United States.[74] It has over 6.1 million subscribers.[75] As of June 1999, Nextel had launched its iDEN-based services in at least 187 BTAs, which contained 76% of the U.S.

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72 *U.S. v. Motorola, Inc. and Nextel Communications, Inc.*, CIV. A.94-2331 (TFH), Memorandum of the U.S. in Opposition to Nextel's Motion to Vacate the 1995 Consent Decree (Feb. 2, 1999).

73 *See In re: Applications of Pittencrieff Communications, Inc., Transferor, and Nextel Communications, Inc., Transferee, For Consent to Transfer Control of Pittencrieff Communications, Inc. and its Subsidiaries*, CWD No. 97-22, *Memorandum and Opinion and Order*, 13 FCC Rcd. 8935, 8948-51, DA 97-22600, ¶¶ 30-35 (1997).

74 *In the Matter of Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993*; *Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services, Fourth Report*, 14 FCC Rcd. 10145, 10176, FCC 99-136 (1999) ("*Fourth Report on Competition*"); Nextel Press Release dated November 20, 2000 at http://www.corporate-ir.net/ireye/ir_site.zhtml?ticker=NXTL&script=410&layout=9&item_id=134033.

75 As stated on Nextel's web site at http://www.nextel.com/information/fact_background.shtml.

population.[76] A July 1999 Herfindahl-Hirschman Indices ("HHI") study conducted by HAI Consulting for the Alliance for Radio Competition ("ARC") indicated that Nextel had an approximately 90% market share of the SMR dispatch market at that time.[77] In contrast, its next closet competitor in the trunked dispatch segment of the SMR market, Southern, has approximately 200,000 subscribers using its iDEN-based services in Alabama, Georgia, the Florida panhandle, and the southeastern third of Mississippi. Courts have routinely held that a market share of 70% or more of the relevant market constitutes a monopoly.[78]

Nextel's monopoly power in the SMR market is likely to increase. It is set to acquire Chadmoore Wireless Group, one the few remaining large players in the industry.[79] According to industry reports, Chadmoore holds nearly five thousand 800 MHz SMR licenses covering 55 million POPs in 180 markets throughout the United States.[80] Additionally, Nextel has a request pending with the FCC for approval of the assignment of fifty-nine 900 MHz licenses from Motorola and its subsidiaries.[81] The consolidation of the market does not end there.

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76 *Fourth Report on Competition*, 14 FCC Rcd. at 10171.

77 *In the Matter of Geotek Communications, Inc. Seeks FCC Consent to Assign 900 MHz SMR Licenses*, DA 99-1027, Exhibits to the Alliance for Radio Competition's Response to the Opposition of Nextel Communications, Inc. to Petitions to Deny, p. 12.

78 *See United States v. E.I. du Pont de Nemours & Co.*, 351 U.S. 377, 399 (1956) (market share of 75% constitutes monopoly power); *Morgenstern v. Wilson*, 29 F.3d 1291, 1296 n.3 (8th Cir. 1994) (80% market share sufficient).

79 *Nextel Acquires Chadmoore,* Mobile Radio Technology, Oct. 2000; *Nextel's Warm Handshake; Suitor Makes Offer Chadmoore Cannot Refuse,* Wireless Week, Aug. 28, 2000 at 1.

80 *Id.*

81 *Motorola, Inc. and Nextel Communications, Inc. Seek Consent to Assign 900 MHz SMR Licenses, Public Notice*, DA 00-2352 (Oct. 19, 2000).

In the August 2000 auction for 800 MHz General Category and Upper Band SMR licenses (Auction No. 34), Nextel was awarded 800 of the 1,053 licenses offered.[82] Additionally, in the November 2000 auction for 800 MHz Lower 80 SMR licenses (Auction No. 36), it was the successful bidder on 2,579 of the 2,800 licenses offered.[83] Nextel's success in these auctions is directly related to its dominance in the major markets. It has amassed a vast number of 800 MHz licenses throughout the country. Because it controls so many of the underlying licenses, it is able to dominate the 800 MHz "overlay" auctions. Bidders without an existing foothold in the 800 MHz band simply cannot bid on an equal basis with Nextel.

With its national spectrum holdings at the 800 MHz and 900 MHz level, Nextel has near complete control over the 800 and 900 MHz spectrum that is required by Southern, Pacific Wireless, Mobex, and any potential new entrant to the market. This spectrum is essential for Southern and other SMR providers to provide their services and develop new product lines.

In essence, because Nextel dominates the 800 and 900 MHz spectrum in the SMR market, it controls the national network necessary to maintain a competitive SMR market and has the ability to raise prices and exclude competitors and potential new entrants from the market. The record is abundantly clear that it has strategic dominance in the SMR market by virtue of its acquisition of so much of the 800 and 900 MHz SMR spectrum. As noted above, the July 1999 HHI study conducted by HAI Consulting indicated that it had an approximately 90%

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82 *Wireless Telecommunications Bureau Grants 800 MHz Specialized Mobile Radio (SMR) Service General Category (851-854 MHz) and Upper Band (861-865 MHz) Auction Licenses*, *Public Notice*, DA 00-2874 (Dec. 20, 2000).

83 *800 MHz SMR Service Lower 80 Channels Auction Closes*, *Public Notice*, DA 00-2752 (Dec. 7, 2000).

market share of the SMR dispatch market.[84] As noted by ARC, six locales were studied and the HHI indicated market dominance by Nextel in every one.[85] This dominance in the trunked dispatch segment of the SMR market not only provides Nextel with a nationwide network, but also significantly hinders its competitors by limiting them to small geographic areas.

C. Southern LINC's Interest In The SMR Market

As discussed above, Southern is the second largest trunked dispatch provider and operates an advanced digital communications system that, like Nextel, uses iDEN technology. In areas where Southern and Nextel's trunked dispatch services overlap, the two compete vigorously. However, competition in the overlapping market (*i.e.*, the Southeastern U.S.) is reduced because of Nextel's ability to promote the only available nationwide network capable of supporting 800 and 900 MHz spectrum.

D. A Nationwide 800 MHz And 900 MHz Footprint Is The Essential Facility Needed By SMR Providers To Compete In The SMR Market

The facility in question -- Nextel's nationwide network of 800 and 900 MHz SMR spectrum -- meets the criteria of an essential facility in that it is necessary to be a meaningful competitor in local market areas and Nextel's competitors cannot technically duplicate the network on their own.

Nextel's nationwide network is clearly an essential facility. Southern and other SMR providers need access to it to meaningfully compete against Nextel; they must be able to offer customers the ability to use their equipment when they travel outside their carriers' service

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84 *In the Matter of Geotek Communications, Inc. Seeks FCC Consent to Assign 900 MHz SMR Licenses*, DA 99-1027, Exhibits to the Alliance for Radio Competition's Response to the Opposition of Nextel Communications, Inc. to Petitions to Deny, p. 12.

85 *In the Matter of Geotek Communications, Inc. Seeks FCC Consent to Assign 900 MHz SMR Licenses*, DA 99-1027, ARC Petition to Deny, ¶ 17 (June 28, 1999).

territories. Without automatic roaming capacity, SMR providers are inhibited in competing within their existing geographic markets.

Nextel's national network of 800 and 900 MHz SMR spectrum cannot be duplicated. It has effectively obtained almost all of the spectrum available for SMR. There simply is not enough available spectrum to recreate its network.[86] However, automatic roaming agreements are an available proxy for duplicating Nextel's facilities. Without access to its network through roaming agreements, it will be very difficult for SMR providers to compete with Nextel.

E. Nextel's Refusal To Roam With Its Competitors Is Indicative Of An Attempt To Monopolize The SMR Market

Under the antitrust laws, when a monopolist refuses to deal with its competitors and controls a facility that is essential for those competitors to compete, it is required to make the essential facility available to its competitors. Nextel by far has amassed more 800 and 900 MHz spectrum than any of its competitors and has used that spectrum to create a nationwide network. It faces competition in only a few regional markets, including against Southern in the Southeastern United States. However, Nextel is using its nationwide network to the detriment of its regional competitors (and potential new entrants) by refusing to enter into roaming agreements. By its actions, Nextel is attempting to maintain and expand its dominance in the trunked dispatch market.

86 It has been suggested that mobile systems can be developed to provide dispatch services on 220 MHz spectrum as a substitute for 800 and 900 MHz SMR spectrum. As previously discussed, this is not a workable solution. The experience of users of 220 MHz spectrum demonstrates it is neither technically nor economically feasible for an SMR provider to attempt to duplicate Nextel's nationwide network using 220 MHz spectrum.

It is clearly feasible for Nextel to permit at least Southern to roam on its network. As discussed in a preceding section of these Comments, there are no legitimate business or technical reasons for it to avoid entering an automatic roaming agreement with Southern, and that is probably also true of other digital SMR providers. Technical solutions permit roaming between iDEN systems; in fact, Nextel initiated a global effort to establish roaming with virtually every iDEN carrier in the world (both affiliated and non-affiliated) with the exception of Southern. It is counterintuitive for a profit-seeking SMR provider to turn away the revenues that would be generated by a roaming agreement unless that provider's motives are predatory. Here, Nextel is simply taking advantage of its monopoly to unreasonably constrain its existing and potential competitors from offering competitive roaming services.

In sum, Southern firmly believes that Nextel has monopoly power in the trunked dispatch market, that it dominates and controls the essential facility necessary to meaningfully compete in this market -- a national network of 800 and 900 MHz SMR spectrum -- and is expanding and maintaining its monopoly power in a manner that raises serious concerns regarding the antitrust laws.

CONCLUSION

WHEREFORE, THE PREMISES CONSIDERED, Southern LINC respectfully requests the Commission to act in the public interest in accordance with the proposals set forth herein.

Respectfully submitted,

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Dated: January 5, 2001

EXHIBIT A

Harrison County School District

HENRY A. ARLEDGE
Superintendent of Education

11072 Highway 49
Gulfport, Mississippi 39503
(228) 539-6500
(228) 539-6507

E. MITCHELL KING
Assistant Superintendent

NOV 8

November 2, 1999

Robert G. Dawson
Chief Executive Officer
Southern LINC
5555 Glenridge Connector, Suite 500
Atlanta, GA 30328

Dear Mr. Dawson:

The Harrison County School District is one of the oldest Southern LINC users on the Mississippi Gulf Coast. We appreciate the reliability of Southern LINC, but we are disappointed that Southern LINC has not been able to make arrangements to allow us to roam into the Jackson, Mississippi (the state capital) and the New Orleans, Louisiana areas.

The Harrison County School District needs radio and telephone service in the Jackson, Mississippi area, for many of our key personnel have to travel in the Jackson and New Orleans areas often. With the concerns that public education and the parents that we serve have for safety, it is of utmost importance that our supervisory staff has the ability to stay in contact with the district when traveling in the Jackson and New Orleans area.

As a school district we use the Southern LINC system for all of our radio and cellular service for the schools and the key personnel. It is a great disadvantage for us to lose contact with the district when we travel to the Jackson area.

The Superintendent of Education is the most frequent traveler to the Jackson area. Needless to say, he needs to be able to be reached at a moments notice. We are able to do that at any time other than when he travels to Jackson. It is also imperative that he can call back to the district.

We urge that Southern LINC establish roaming arrangements with Nextel Communications, which operates an iDEN system in the New Orleans area and hopefully the Jackson area as well. The Jackson, Mississippi area is our first choice for roaming services.

Sincerely,

Henry Arledge

Henry Arledge
Superintendent

EXHIBIT B

Robert G. Dawson
Chief Executive Officer
Southern LINC
5555 Glenridge Connector
Suite 500
Atlanta, GA 30342

Dear Bob,

American Medical Response ("AMR") is the nation's largest private provider of medical transportation. As you know, AMR – a loyal Southern LINC customer – provides this critical public safety service in Mississippi and Louisiana. Currently we can only communicate via Southern LINC to the Magee, Mississippi area. We have operating units in the St. Tammany, Orleans and Jefferson parishes in Louisiana. If we were able to communicate with our South Louisiana operating units, it would greatly enhance our efficiencies. Right now we must maintain three separate communications systems in order to provide total area-wide communications. We would greatly benefit by having roaming capability.

On behalf of AMR Gulf Coast, please consider this our formal request for roaming, and please present this request to Nextel Communications on our behalf.

Sincerely,

Steve Delahousey
Director of Operations

12020 Intraplex Parkway, Gulfport, MS 39503-4602
Phone (228) 897-1100 • Fax (228) 897-3447

Comments of Southern LINC
January 5, 2001

CERTIFICATE OF SERVICE

I, Gloria Smith, do hereby certify that on this 5th day of January, 2001, a single copy (unless otherwise noted) of the foregoing "Comments of Southern LINC" was hand-delivered to the following:

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