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APR 19 2001

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April 19, 2001

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Twelfth Street Lobby - TW-A325
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

Re: Amendment of the Commission's Rules Concerning Maritime Communications,
PR Docket No. 92-257, Third Further Notice of Proposed Rulemaking; Report of
Ex Parte Meeting

Dear Ms. Salas:

On Wednesday, April 18, 2001, representatives of Mobex Communications, Inc. and Regionet Wireless Licensee LLC met with representatives of the Wireless Telecommunications Bureau to discuss the pending Third Further Notice of Proposed Rulemaking in PR Docket No. 92-257.

Participating in the meeting on behalf of the Bureau were Scott Stone, Deputy Chief, Policy and Wireless Branch, Public Safety & Private Wireless Division, Wireless Telecommunications Bureau; Keith Fickner, Policy and Rules Branch, and Ghassan Khalek, Electrical Engineer, Wireless Telecommunications Bureau. Participating on behalf of Mobex/Regionet were John Reardon, John Smith, Paul vanderHeyden, Evelyn Howell, Mary Brooner of Motorola, Randy Young and the undersigned of Keller and Heckman LLP.

Associated herewith, please find the summary of the meeting, including exhibits distributed at the meeting.

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FCC
April 19, 2001
Page 2

KELLER AND HECKMAN LLP

Should there be any questions or requirement for further information, please feel free to communicate with the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Martin W. Bercovici". The signature is fluid and cursive, with a long vertical line extending downwards from the end of the name.

Martin W. Bercovici

Encl.

cc: Scott Stone (w/encl.)
Keith Fickner (w/encl.)
Ghassan Khalek (w/encl.)

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APR 19 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

MOBEX/REGIONET - FCC

PR DOC. 92-257, EX PARTE MEETING

April 18, 2001

MEETING SUMMARY

I. 17 v. 38 dBu Service Contour for Incumbent Protection

- Reliance by Regionet, WATERCOM and PSI on 17 dBu contour in licensing systems;
- Future protection to 38 dBu will render existing systems non-conforming with continuity of coverage requirement of FCC rules;
- Future protection to 38 dBu will expose existing systems to interference and interruption of service by geographic area licensees who may drop-in between incumbent stations.
 - **Remedy:** Require geographic area licensees to protect incumbents to 17 dBu; while consistency is preferable, application of 38 dBu to new facilities for areas acquired by auction is acceptable.

Exhibits: 17 and 38 dBu contour coverage maps; propagation analysis, 17 v. 38 dBu (Exhibits IA-C).

II. Interference Protection Standard

- 10 db carrier-to-interference ratio appropriate to amplitude modulation signal environment (*e.g.*, 220-222 MHz), but will not provide interference protection for analog or digital modulation.
 - **Remedy:** Need for minimum of 18, rather than 10, db C-to-I ratio.

Exhibit: C-to-I analysis (Exhibit II).

III. Limitation on Bidding to One Frequency Block

- Incumbents present in most major cities (NY, Philly, Bal, Miami, Tampa, LA, SF, Seattle, San Diego, Chi, Minneapolis, Cinn, St. L., Memphis, N.O., Houston) on both frequency blocks;
- Both applicants and equipment manufacturers need a critical mass of spectrum to justify investment, and for applicants to compete against other wireless service providers.

- **Remedy:** Do not limit bidders to one frequency block.

Exhibit: Map showing East and West Coast assignments of Regionet (Exhibits IIIA-F).

IV. Coverage Requirements--Major Waterways

- The proposal for coverage requirements with regard to “major waterways” is inappropriate:
 - > Service rules, providing for both maritime and ancillary non-maritime service, must be realistic in terms of imposing coverage requirements consistent with ability of licensees successfully to market services;
 - > Major maritime areas already are served by incumbents, to wit, the East Coast and West Coast population centers, the Mississippi, Illinois and Ohio Rivers and Gulf Intracoastal Waterway (the principal inland waterways freight corridor), and the Great Lakes;
 - > To the extent “major waterways” cross the borders of geographic licensing areas, licensees of such regions potentially could be burdened with coverage requirements for areas which do not present viable service opportunities;
 - > To the extent coverage requirement is defined by waterways, compliance by licensees of geographic licensing areas is unclear in the context of the “white space” areas not already served by incumbents;
 - > Certain identified “major waterways” (Third FNPRM at ¶54, n. 200) are not truly “major” in terms of commercial river traffic, are partially or already served by coastal systems in the high traffic density areas, or otherwise are inappropriately identified:
 - Pacific Ocean below the Arctic Circle - In addition to incumbent West Coast systems in major market areas (*see* attached Exhibits IIIA-C), the coastline of Alaska below the Arctic Circle by itself has approximately 4,000 miles of coastline, and undoubtedly could not justify AMTS service,
 - Missouri, Tennessee and Arkansas Rivers - These rivers are approximately 700, 600 and 400 miles, respectively in length, and have insufficient commercial traffic to support AMTS build-out (*see* Exhibit IV),
 - Red River to Fulton, Arkansas - The reference to the Red River running to Fulton, Arkansas, appears to be in error. Of the two Red Rivers, neither the river flowing north on the Minnesota-North Dakota boundary and into Lake Winnipeg in Manitoba (310 miles) nor the river flowing along Oklahoma-Texas boundary into the Atchafalaya and Mississippi Rivers in Louisiana (1,018 miles) appears on the US Corps of Engineers Inland Freight Tonnage on the Mississippi River

System diagram (Exhibit IV), or otherwise appears to offer sufficient traffic to warrant AMTS coverage,

- Columbia River - The Columbia River already has substantial coverage, from Pacific Northwest coastal stations (see Exhibit IIIA).

- o **Remedy:** Apply the population standard as coverage requirement.

Exhibit: Corps of Engineers schematic of inland freight tonnage on the Mississippi River System and the GIWW (Exhibit IV).

V. **Talk-Around**

- FCC proposal to ban talk-around (NPRM ¶37) inappropriate since AMTS, unlike VHF marine, does not use a standard mobile transceiver, thus reducing opportunity for, and risk of, mis-use.
 - o **Remedy:** AMTS licensees can best decide how to accommodate talk-around by subscribers (e.g., common designation of a talk-around channel). Licensee Agreements could be submitted to WTB, and WTB could facilitate resolution of any difference between or among licensees.

WATERCOM WESTERN GULF OF MEXICO SYSTEM 17 dBuV/m CONTOURS

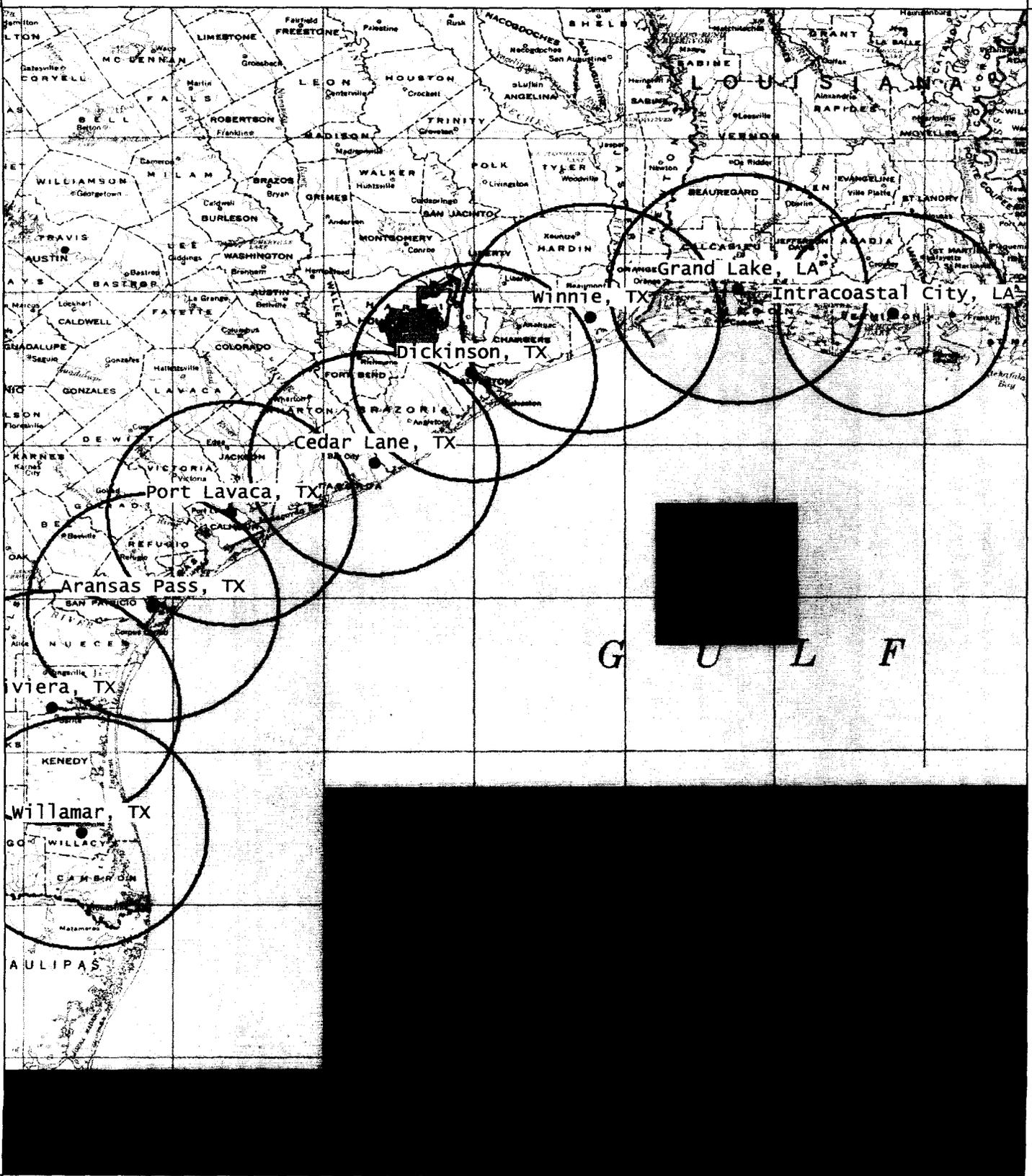
Exhibit I A

W98-07-35.92

W91-19-29.41

N31-50-59.13

N31-50-59.13

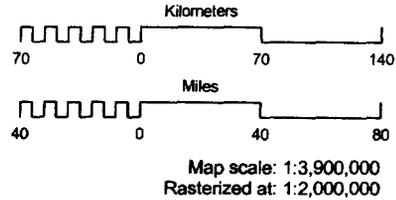


N24-14-42.69

N24-14-42.69

W98-07-35.92

W91-19-29.41



WATERCOM WESTERN GULF OF MEXICO SYSTEM 38 dBuV/m CONTOURS

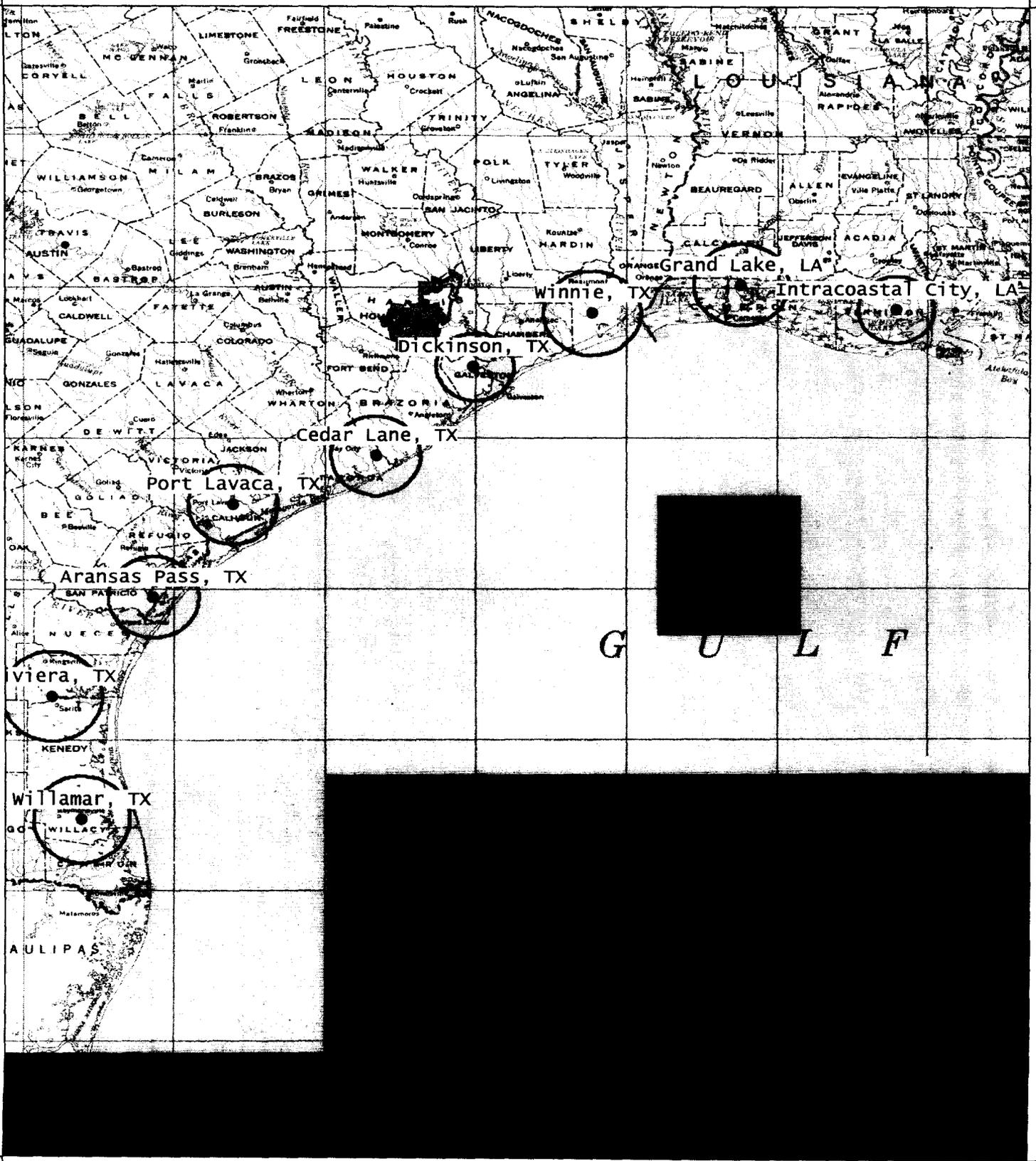
Exhibit I B

W98-07-35.92

W91-19-29.41

N31-50-59.13

N31-50-59.13

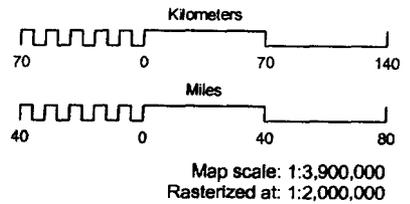


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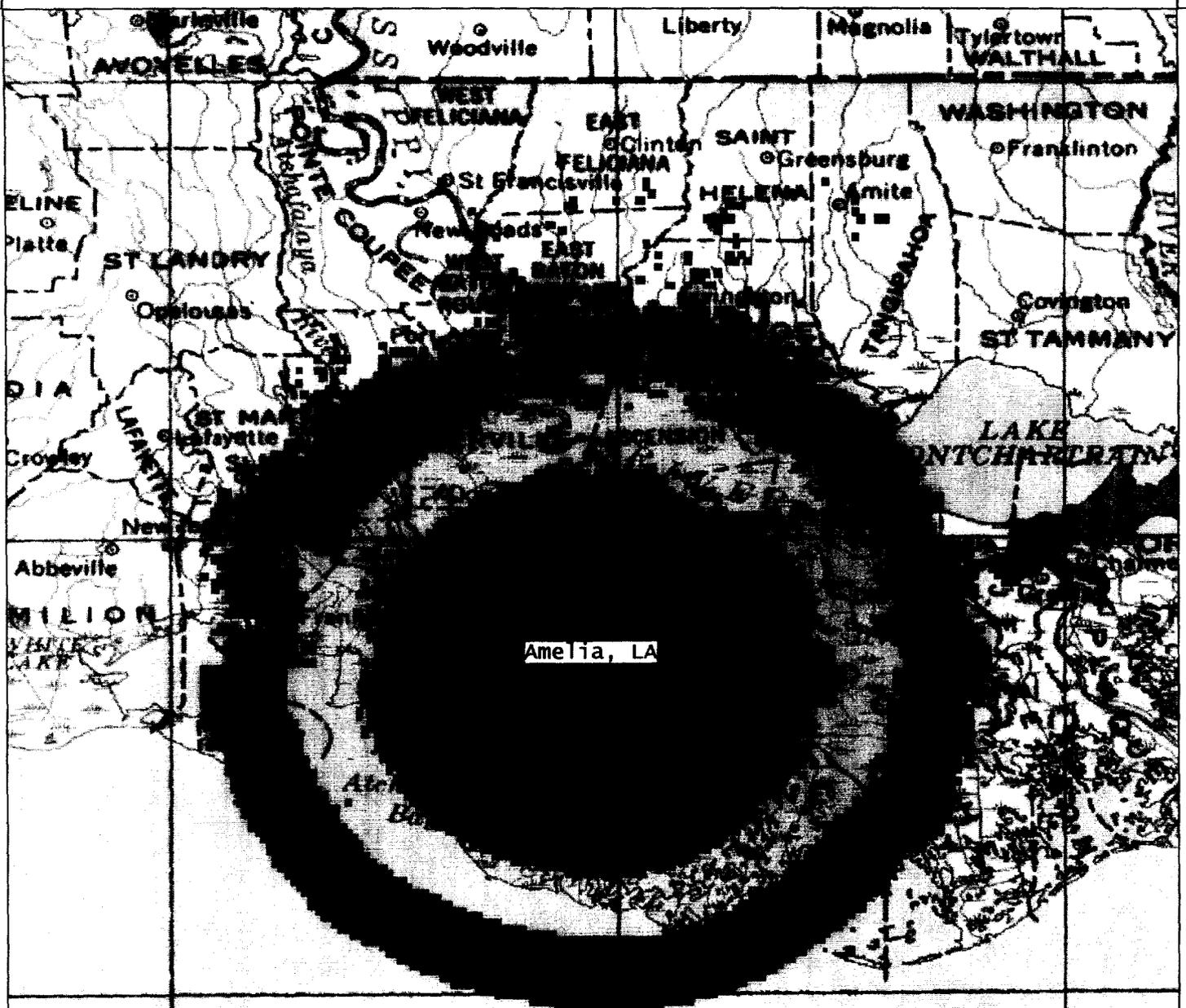


W92-21-39.67

W89-44-40.76

N31-09-39.81

N31-09-39.81



N28-14-12.40

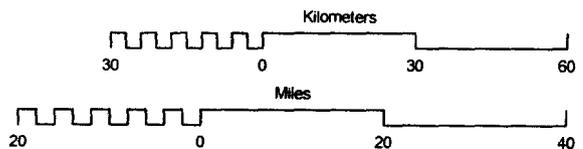
N28-14-12.40

W92-21-39.67

W89-44-40.76

Prop levels:

- 80.00 dBmW
- 83.00 dBmW
- 93.00 dBmW
- 102.00 dBmW
- 104.00 dBmW



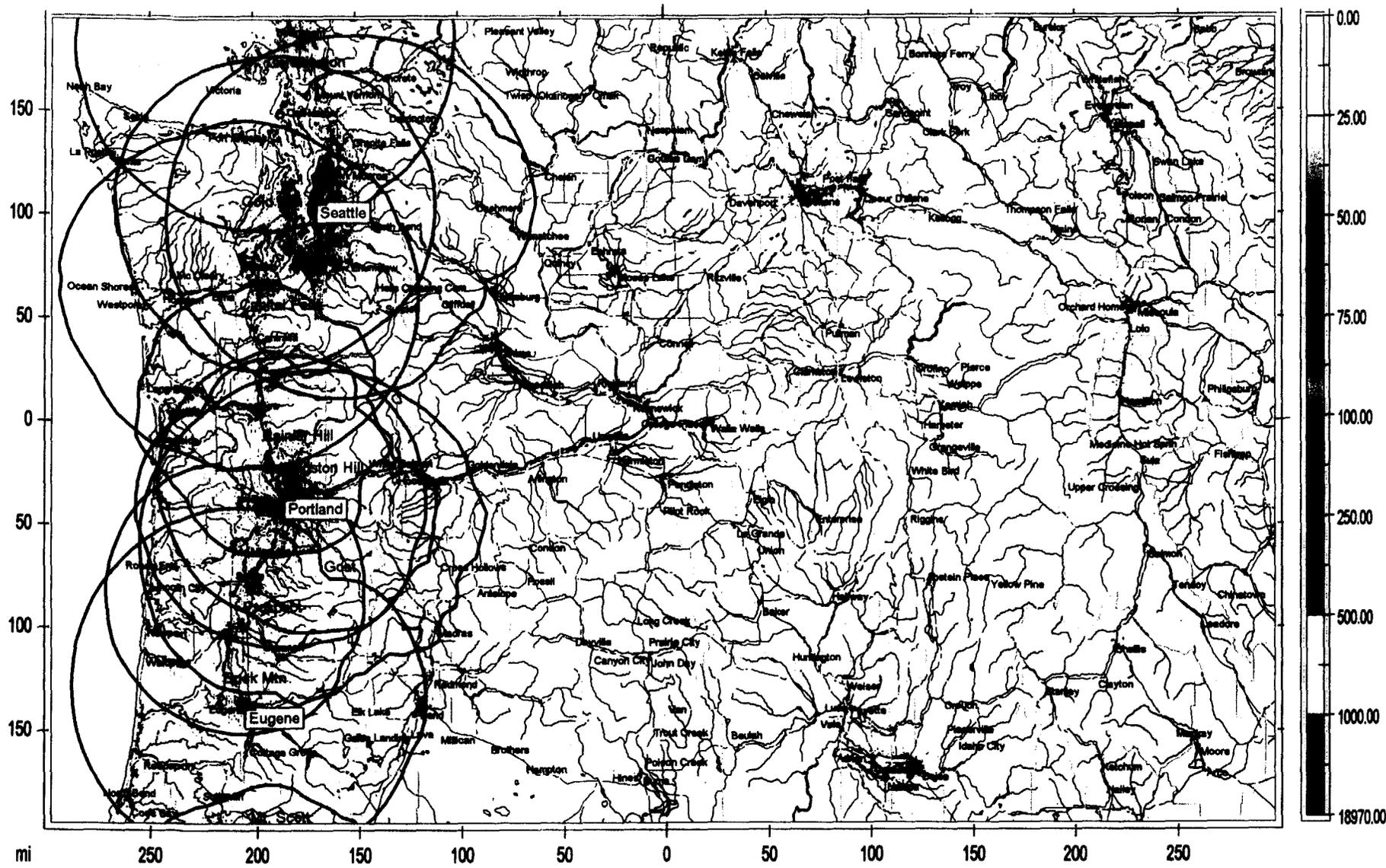
Map scale: 1:1,500,000
Rasterized at: 1:2,000,000

**ESTIMATED CARRIER-TO-INTERFERENCE RATIOS REQUIRED
FOR DIGITAL AUDIO QUALITY LEVEL 3 (DAQ3) COMMUNICATIONS¹**

	<u>25 kHz Channel</u>	<u>12.5 kHz Channel</u>
Analog	17 dB	23 dB
BPSK	11 dB	17 dB
QPSK/ 4QAM	14 dB	20 dB
8PSK	19 dB	25 dB
16QAM	25 dB	31 dB
32PSK	31 dB	37 dB

¹ Adapted from: "Analysis of Private Packet Data Systems, Need for Protected Service Area," filed March 5, 2001 by Motorola in WT Docket No. 99-87 and "Digital Microwave Radio, Engineering Fundamentals," MSD-3003, NEC Corporation, 1985.

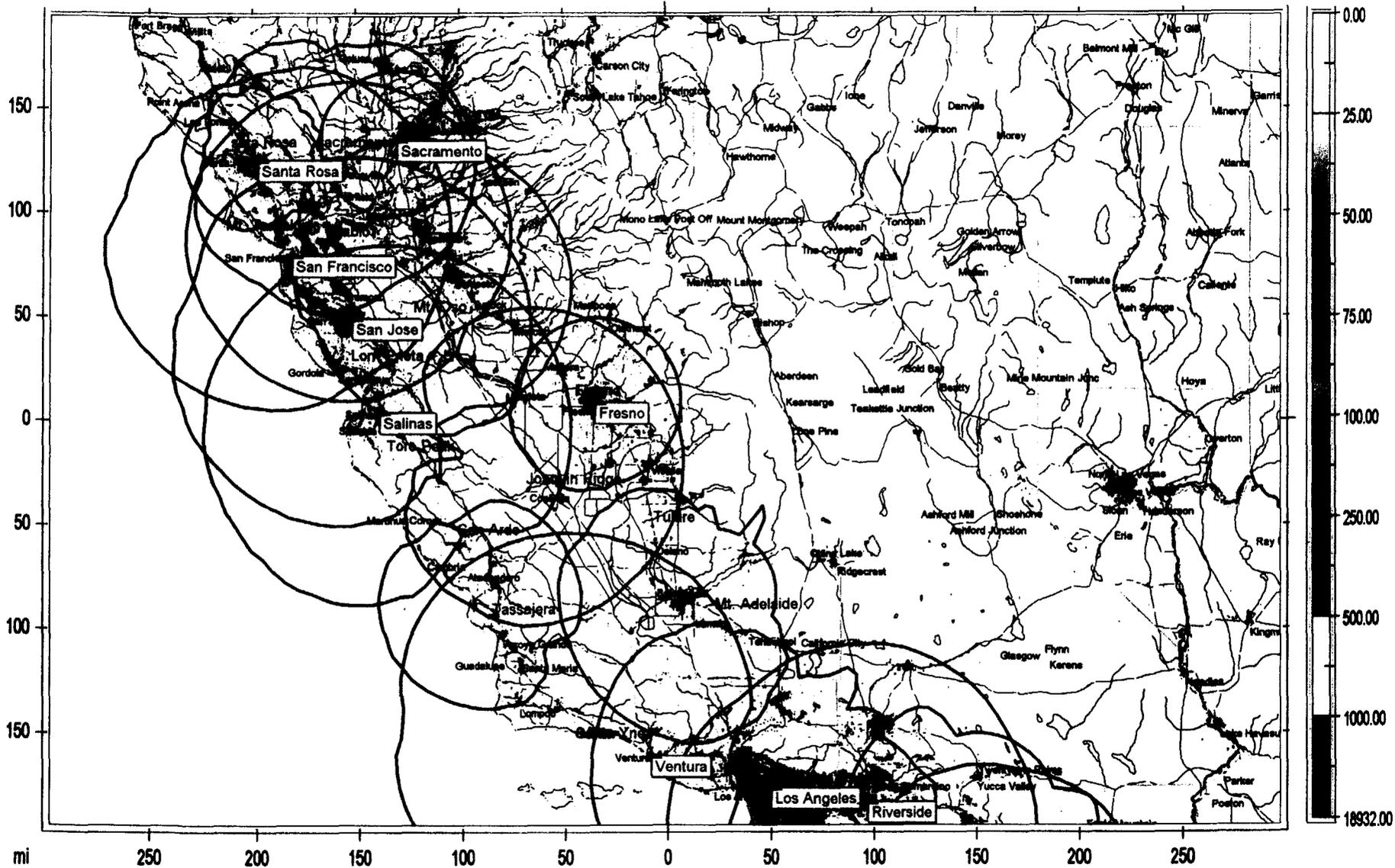
Oregon-Washington



Contour vs population

County Borders Highways Water Features

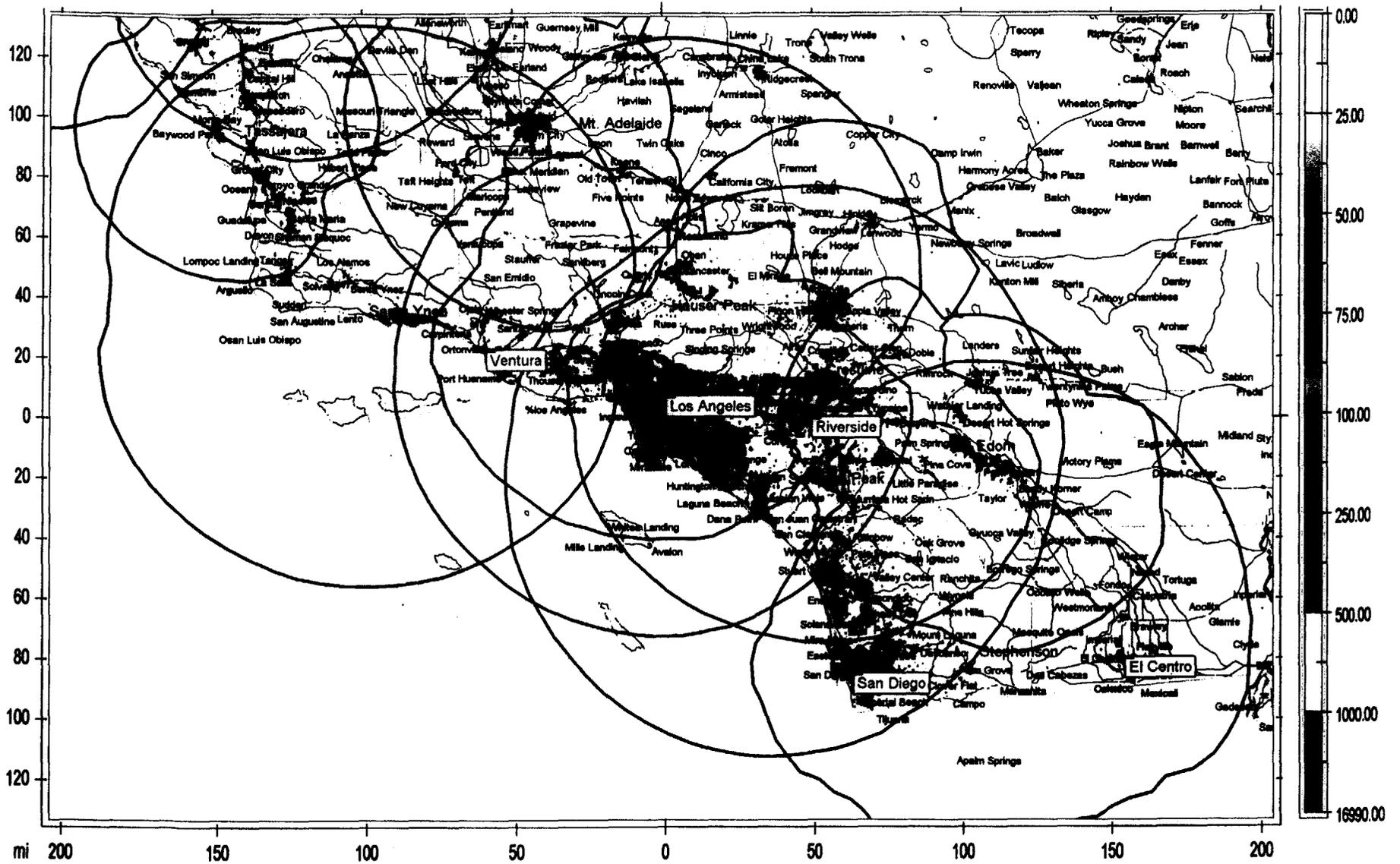
Northern California



Contour vs population

County Borders Highways Water Features

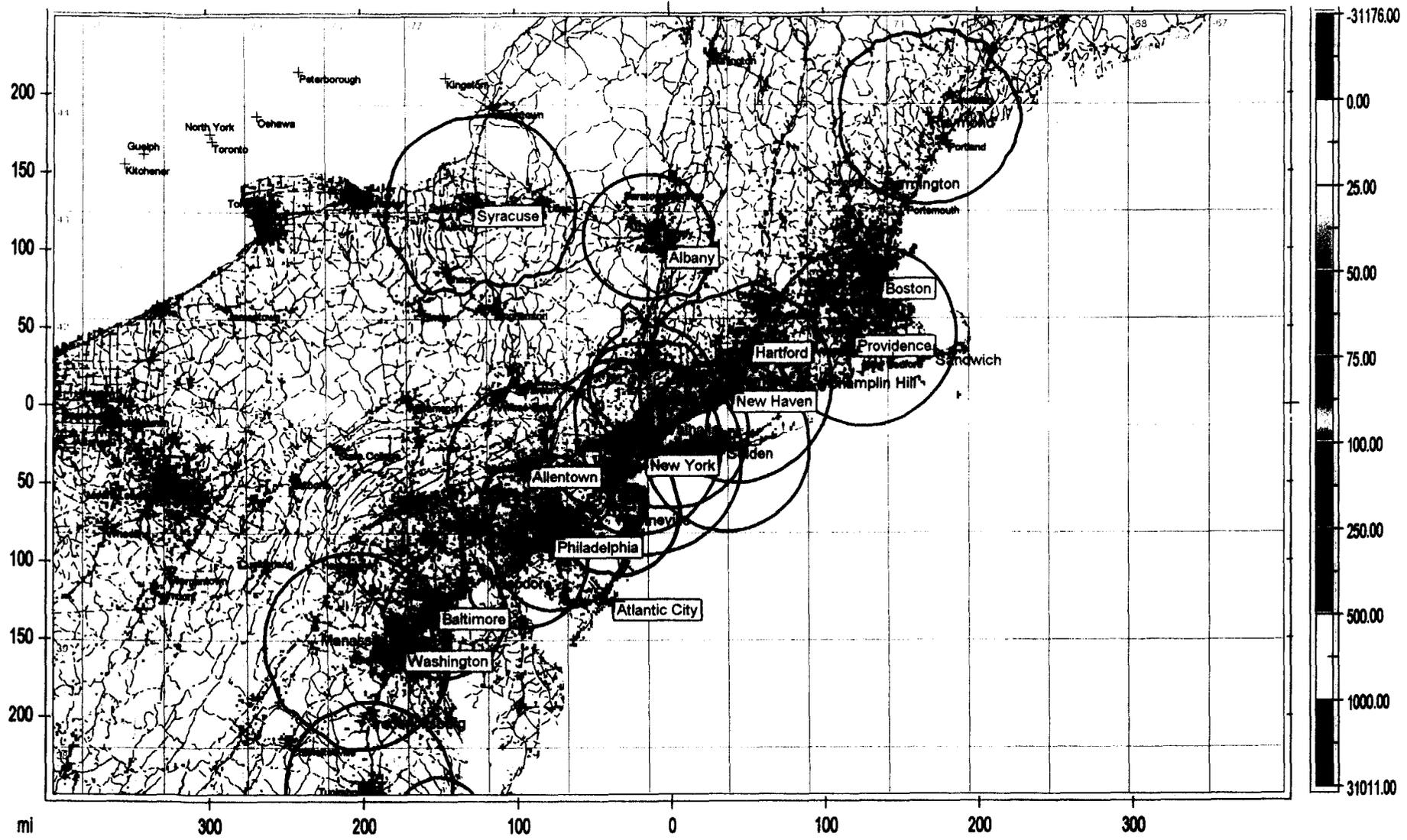
Southern California



Contour vs population

County Borders Highways Water Features

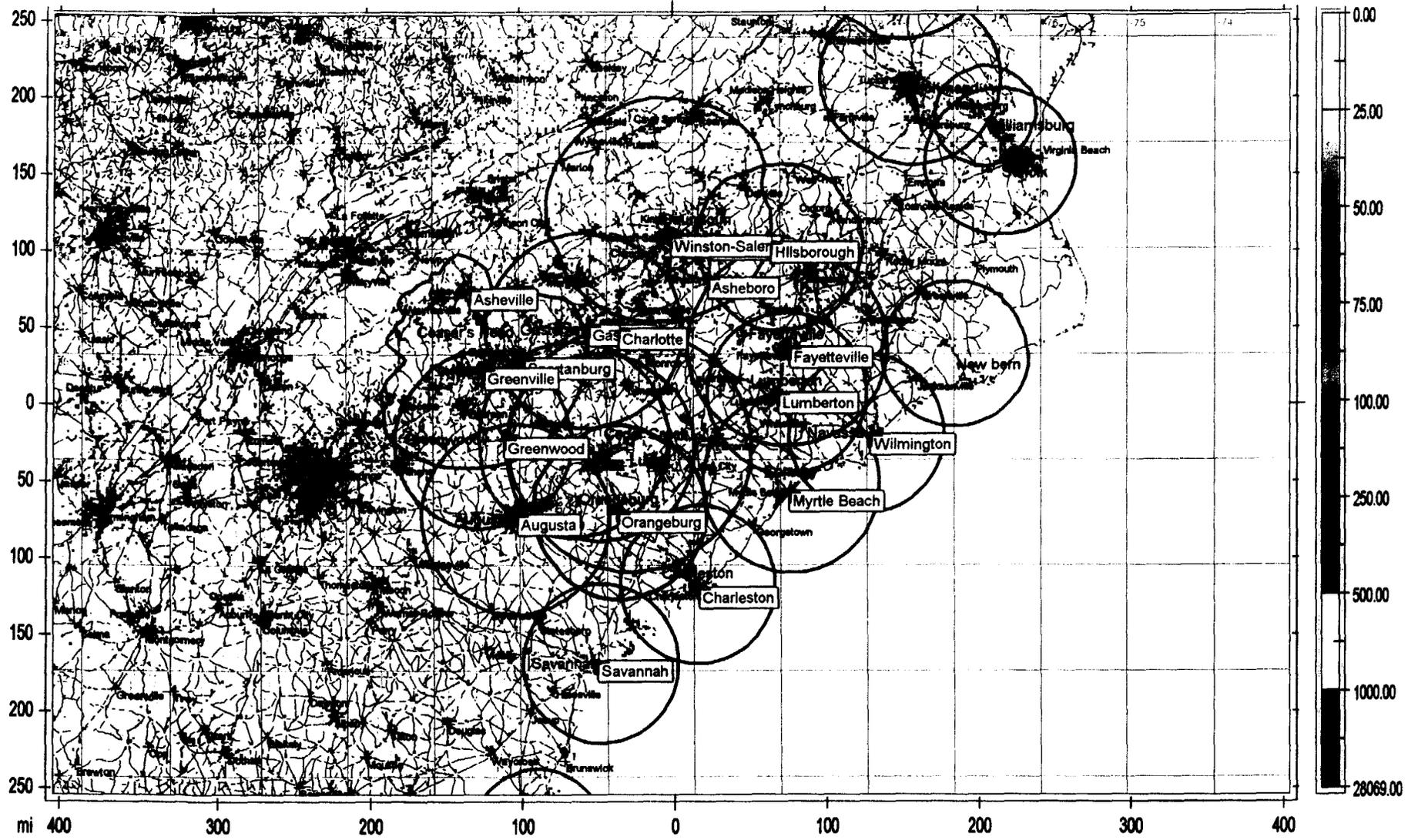
North Atlantic Coast



Contour vs Population

County Borders Highways Lat/Lon Grid

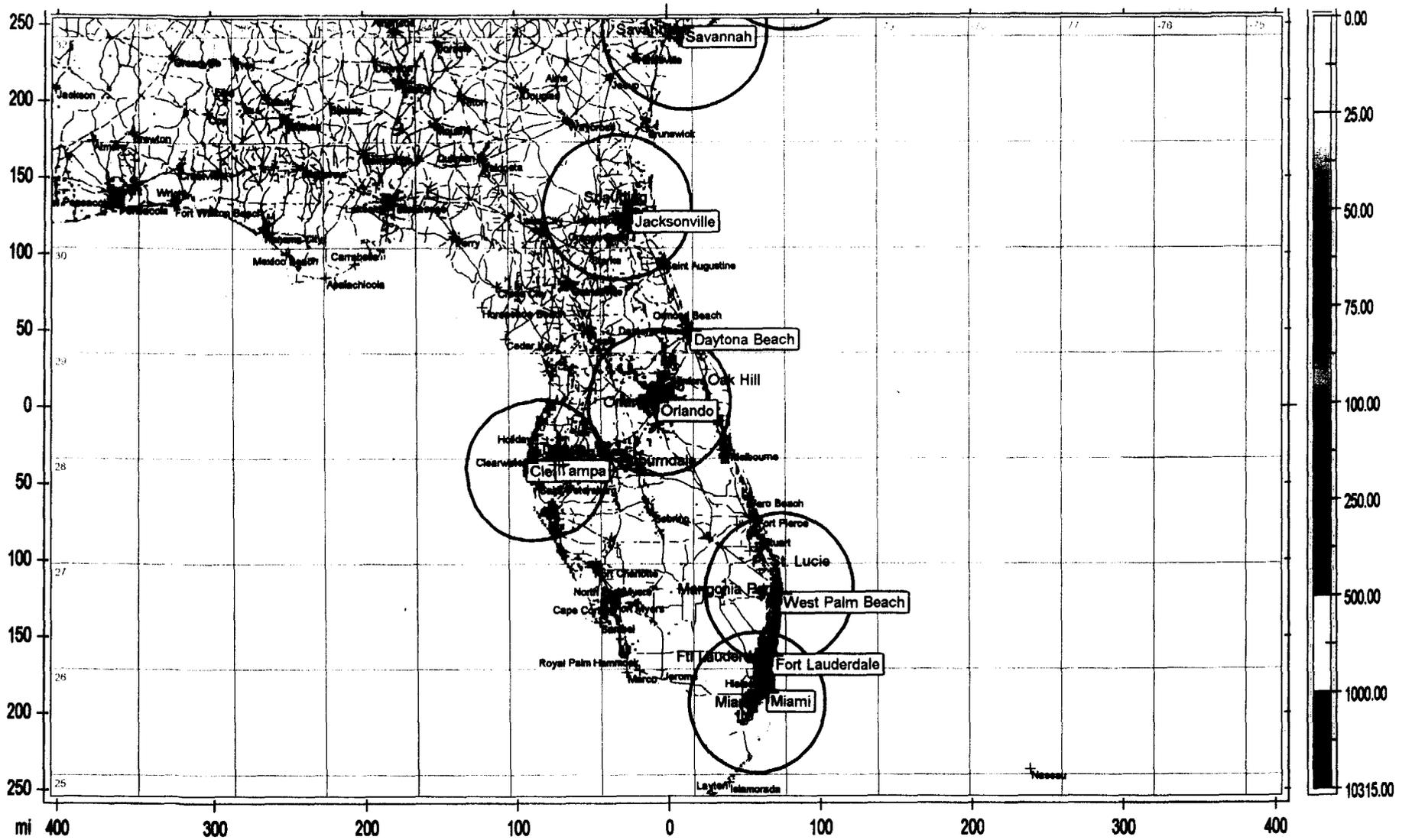
Mid-Atlantic



Contour vs Population

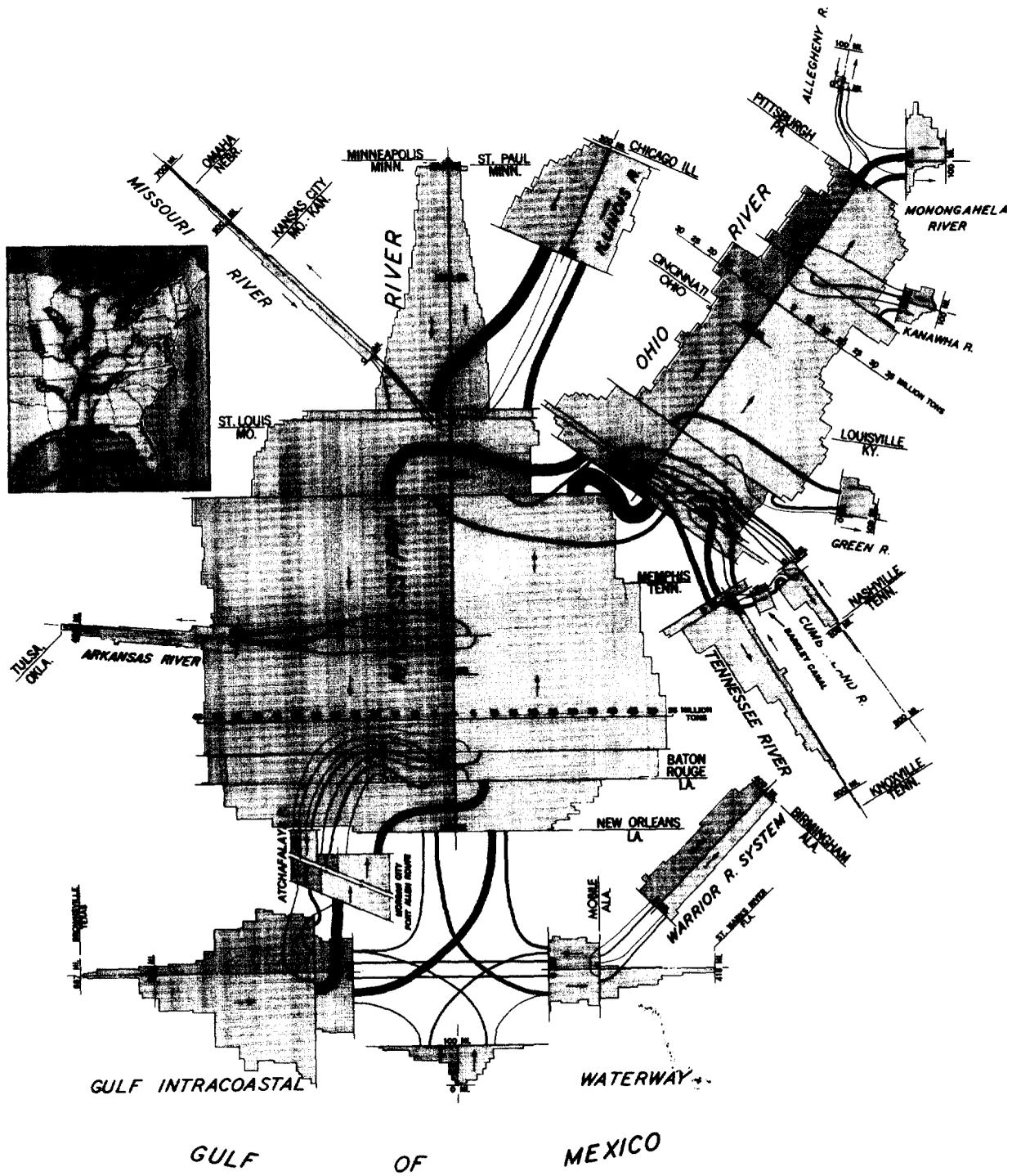
County Borders Highways Lat/Lon Grid

Florida



Contour vs Population

County Borders Highways Lat/Lon Grid



INLAND FREIGHT TONNAGE ON THE MISSISSIPPI RIVER SYSTEM AND THE GULF INTRACOASTAL WATERWAY 1978