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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY



Warren C. Havens
President

EX PARTE OR LATE FILED

Monday, May 14, 2001

M. R. Salas
Office of Secretary
Federal Communications Commission
445 12th Street, SW
Twelfth Street Lobby- TW-A325
Washington, DC 20554

Re: PR Docket No. 92-257; Fourth Report and Order and Third Further Notice of Proposed Rule Making; Report of Ex Parte Meeting

Dear Secretary,

On May 9, 2001, Warren C. Havens ("Havens") held a telephone conference meeting with representatives of the Wireless Telecommunications Bureau (Scott Stone, Keith Fickner, and Ghassan Khalek) concerning matters referenced above. Also attending by telephone representing Mr. Havens were Ralph Haller of Fox Ridge Communications, Michele Farquhar of Hogan & Hartson, James Stobaugh, and Arnold Leong. Havens thanks the FCC staff for their time and responsive discussion at this meeting.

A summary of the meeting with respect to Ex Parte matters is as follows:

With regard to the below-listed topics, current and proposed rules were discussed, including the views of Mr. Havens thereupon. Regarding these listed topics, Mr. Havens and his representatives presented information and views that they have already presented to the Commission in filings in the above-referenced Docket; only what may be additional information and views are noted below after the topic listing. All of the following items pertain to proposed rules for AMTS.

1. "Fill-in stations." Interference contour is not the same as service contour. The rules should clearly define whether fill-in stations are not allowed to expand the service contour or whether they are not allowed to expand the interference contour. Situations could exist in which the service contour could be expanded without expanding the interference contour if the Commission chooses no expansion of the interference contour as the standard.

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2. Service contours. The appropriate level of the service contour should be clearly defined in the rules. The Commission's proposed service contour definition appears to be reasonable as a general rule. There must be one standard for incumbents and new licensees. Two standards would create unequal treatment and unfair advantage. All current incumbents have sought to serve land areas as well as the subject waterway or coastline. In so doing, the Commission did not impose a service contour on incumbents. An incumbent has no basis to complain if it did not select a standard that conforms to the reasonable standard the Commission now proposes.

3. Interference protection to incumbents. Since the FCC's proposed new rules reflect no waterway coverage requirement, protection to incumbents should be based solely on prohibited contour overlap standards. The protection should be based on a single standard regardless of whether protection is to existing incumbents or future stations. A different standard could be adopted for protection at a geographic border.

4. Coverage requirements. New rules, as proposed, indicate no waterway coverage requirement. (See above.)

If you have questions or require more information regarding the above, please let me know.

Sincerely,



Warren C. Havens

Cc: Scott Stone
Keith Fickner
Ghassan Khalek