



ORIGINAL
EX PARTE OR LATE FILED

RECEIVED

August 22, 2001

AUG 22 2001

minh.day@mobex.com
202-861-9484

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **Ex Parte Filing**
ET Docket No. 00-221 and PR Docket No. 92-257

Dear Ms. Salas:

The following parties met today with Scot Stone and Tim Maguire of the Public Safety and Private Wireless Division, Ira Keltz of the Office of Engineering and Technology, Nese Guendelsberger of the Auctions and Industry Analysis Division: Paul vander Heyden of Mobex Communications, Inc.; Dennis C. Brown, attorney at law, and outside counsel for Mobex; and John Reardon and Minh Day of Mobex. The parties discussed ET Docket No. 00-221 and PR Docket No. 92-257. More specifically, the parties discussed reallocation of the 216-217 MHz and 218-219 MHz bands in the upcoming auction of the AMTS spectrum.

The parties demonstrated the efficiency of pairing the above mentioned frequency bands in any future auctions. They further discussed other spectrum available for incumbent 216-217 MHz users and, in the alternative, discussed relocating existing users within the same spectrum band. And finally, the parties advocated a geographic licensing scheme based on Coast Guard Districts and inland VHF Public Coast Areas for future auctions of the 216-220 MHz spectrum. The attached summary was distributed at the meeting.

Kindly date-stamp the additional copy of this filing and return it in the envelope provided. Should there be any questions concerning this meeting, please contact the undersigned.

Respectfully submitted,

Minh Day
Law Clerk
Mobex Communications, Inc.

Cc: Nese Guendelsberger
Ira Keltz
Tim Maguire
Scot Stone

No. of Copies rec'd 02
LMA 800E

REALLOCATION OF THE 216-220 MHz, et al., ET Docket 00-221

NEED FOR ADDITIONAL AMTS SPECTRUM

The existing 2 MHz of spectrum devoted to AMTS is insufficient to meet public demand for digital dispatch and data communications.

- An increase from 2 MHz to 4 MHz in the AMTS will attract equipment makers and investors
- The light use of the 216-217 and 218-219 MHz bands justifies more efficient allocation to benefit the public interest

MOBEX'S SOLUTION

The Commission should reallocate both the 216-217 MHz and the 218-219 MHz bands to AMTS.

- The FCC should award these new licenses as part of the upcoming AMTS auction
- These bands were originally AMTS bands before reallocation to the unsuccessful IVDS in 1991

RESPONSE TO HEARING INDUSTRY/TRACKING COMMENTS

- Alternative spectrum is available
 - Numerous other bands available
 - Currently operating in 173-185 MHz, 186-201 MHz, and 207-217 MHz bands
- More appropriate in fixed services environment and higher spectrum band
 - Much less interference in fixed services than mobile environment
 - Smaller devices possible
 - Same would be true for law enforcement tracking
- Unlicensed low power use confers no expectations of license rights

RESPONSE TO COMMENTS BY IVDS (218-219 MHz) LICENSEES

- FCC should pair IVDS spectrum with 216-217 MHz spectrum
- Increase value by pairing and gain more usage by incumbent IVDS licensees

AMTS NPRM PROCEEDING, PR Docket No. 92-257

SERVICE RULES

- 17 dBu incumbents should be protected to that benchmark
- Continuity of service critical for marine communications

MAP RULES

- VHF Public Coast Auction used Coast Guard areas
- FCC should do the same in AMTS auction
- Lack of real service in 220-222 MHz band indicates EA concept not commercially viable
 - Too splintered
 - Does not attract major manufacturers
 - Auction prices low if licenses balkanized into small EAs