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March 6, 2002

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

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MAR - 6 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: *Ex Parte* Presentation  
GN Docket No. 00-185  
WT Docket 01-108  
WT Docket 01-72

Dear Mr. Caton:

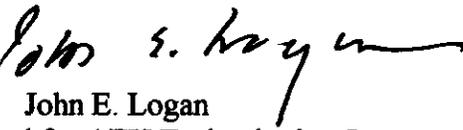
Pursuant to the Commission's rules, this letter summarizes an *ex parte* presentation representatives of ATX Technologies, Inc. (ATX) made to Mr. Gerald P. Vaughn, Deputy Chief, Wireless Telecommunications Bureau and Ms. April Adams of the Wireless Telecommunications Bureau on March 5, 2002. Representing ATX were Gary Wallace, Vice President for External Affairs and I.

In the meeting, the representatives of ATX described the telematics technologies and services ATX provides to several automobile manufacturers. We emphasized the vehicle safety and emergency response capabilities of ATX's technology and services.

During the course of the conversation, we discussed several pending proceedings at the Commission. In WT 01-108, *Biennial Review of Part 22*, ATX has emphasized the need for structuring a reasoned transition from present analog networks to ensure that a ubiquitous wireless network exists throughout the United States. Additionally, we noted ATX's advocacy in GN Docket No. 00-185, where it has urged that the proposals of the American Automobile Association be rejected in the Commission's Notice of Inquiry

addressing *High Speed Access to the Internet Over Cable and Other Facilities*. We also noted our opposition to the petition filed by the Cellular Telecommunications and Internet Association requesting the Commission to initiate a rulemaking to expand the reach of section 222 of the Communications Act of 1934, WT01-72. Enclosed are copies of the documents ATX provided at the meeting.

Respectfully,

  
John E. Logan  
Counsel for ATX Technologies, Inc.

Copy Provided to:

Mr. Gerald. P. Vaughn, Deputy Chief, Wireless Telecommunications Bureau  
Ms. April Adams, Wireless Telecommunications Bureau

attachment

## **ATX Technologies, Inc.**

ATX is a provider of telematics services to automobile manufacturers (original equipment manufacturers or "OEMs"). ATX's telematics services provide integrated voice/data wireless communications, location technology, computer technology and the availability of live operators to provide emergency response and other needs to customers who have telematics capability in their vehicle. At the heart of ATX's technology is the ability to locate precisely the individual confronted with an emergency, to communicate with the vehicle and its occupants, to determine the emergency the individual is facing, to help accelerate emergency response to the vehicle and provide public safety agencies with critical data about the accident from in-vehicle sensors and personal information volunteered by the vehicle owner.

The cornerstone of ATX's telematics services is the automatic crash notification ("ACN") and in-vehicle Mayday button, which rely upon analog cellular networks to transmit critical data and open a voice channel between the vehicle and an ATX call center. Similar to the safety benefits provided by standard factory installation of seat belts and air bags, telematics-based ACN/Mayday systems represent the latest generation of in-vehicle safety technology. The ACN service automatically notifies a private telematics call center, such as ATX's, that a vehicle's air bag or emergency-tensioning restraint has been deployed. Similarly, "Mayday" service signals the call center when the motorist pushes an in-vehicle emergency call button. Currently, ATX alone has over 350,000 subscribers and receives over 60,000 signals per month from motorists with telematics-equipped vehicles. There are approximately 2 million vehicles on the road today with telematics systems. In addition, ATX and other telematics service providers offer other, location-based safety-related services such as routing assistance, roadside assistance, real-time traffic reports, real-time tire pressure monitoring and remote vehicle diagnostics which, to be effective in all potential travel scenarios, require broad coverage and rely on today's analog coast to coast network.

ATX and its competitors have developed and constructed their respective telematics networks based on the nationwide analog format. ATX's has a significant interest in the evolution from the analog to digital environment. The diverse services and equipment -- especially those enhancing emergency medical response and public safety -- that have emerged from the analog environment and serve millions of Americans must not be left stranded or with diminished capabilities in a digital network. ATX has urged the Commission to address the transition and to undertake a leadership role in ensuring that the evolving digital-based, national wireless infrastructure presents a nationwide ubiquitous network.

More than telematics and the life saving technology it provides are at stake. Ubiquitous coverage does not exist in the digital environment, and no carrier urging the elimination of the technical standards underlying the analog network has presented a migration plan that assures ubiquitous coverage. In a time of heightened national security and public safety concerns, a ubiquitous wireless network must be accorded the highest of priorities.



VIA FACSIMILE

March 4, 2002

Mr. James D. Schlichting  
Deputy Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
Washington, D.C. 20054

Re: Ex Parte Submission  
Notice of Inquiry- *In re High Speed Access to the Internet  
Over Cable and Other Facilities*  
GN Docket No. 00-185

Dear Mr. Schlichting:

Pending before the Commission is its examination of competitor access to cable modems and other facilities. The American Automobile Association (AAA) filed comments urging the Commission to expand this proceeding to encompass access to a totally unrelated technology, wireless automotive telematics. AAA also made this plea in two other proceedings, *Implementation of the 911 Act*, WT Docket 00-110 and CC Docket 92-105, *Use of N11 Codes and Other Abbreviated Dialing Arrangements*. In its Order addressing the 911 Act and Use of N11 Codes, the Commission stated that it would address the merits of AAA's contention in the cable access proceeding, GN Docket No. 00-185.<sup>1</sup>

On behalf of ATX Technologies, Inc, which provides wireless telematics technology and services to several automobile manufacturers, we urge the Commission to dismiss AAA's plea to regulate the automotive telematics industry. The matters are outside the scope of the cable access proceeding. There is no connection between the technology of cable modems and the myriad of interests surrounding access to these facilities and the wireless voice and data transmission that locates and communicates with the occupants of a vehicle involved in accident or when a driver faces an emergency.

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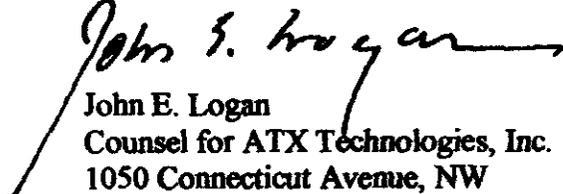
<sup>1</sup> *In the Matter of Implementation of 911 Act, et al.*, WT Docket 00-110, CC Docket 92-105, First Report and Order, FCC 01-351 (December 11, 2001) at para. 3, footnote 4.

Automotive telematics technology and services is at a burgeoning stage with several entities competing. It has evolved not from a regulatory regime advocated by one of the participants, but by competitors. Any consideration to regulate it contradicts the Commission's established principle that consumers, not regulation, determine the winners in the marketplace.

Failing to dismiss AAA's proposal will be a disincentive to private investment. It will serve as a premise that instead of pursuing better technology and higher quality services, a better return can be obtained by stifling competitors through unjustified regulation. The AAA request should be dismissed.<sup>2</sup>

Respectfully,

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Acting Secretary  
Federal Communications Commission

Ms. Kris A. Montieth  
Chief, Policy and Rules Division  
Wireless Telecommunications Bureau

Mr. David Siehl  
Policy and Rules Division

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<sup>2</sup> AAA's proposal was filed on January 10, 2001 in three dockets, GN Docket 00-185, WT Docket 00-110, and CC Docket 92-105. ATX's response was filed on February 16, 2001 in these same dockets.