

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of: )  
 )  
Amendment of the Commission's Rules To ) GEN Docket No. 90-314  
Establish New Personal Communications )  
Services )  
 )

**UTAM, INC. BIENNIAL REPORT**

UTAM, Inc. ("UTAM"), by its attorneys, herewith submits its biennial report, as required pursuant to the *Fourth Report & Order* in the above-captioned docket.<sup>1</sup> As the Commission is aware, UTAM is the FCC-designated frequency coordinator for the unlicensed Personal Communications Service ("UPCS") band, as well as the joint industry body<sup>2</sup> for managing the relocation of incumbent microwave users from the UPCS band. With the transition of microwave incumbents to secondary status in 2005, UTAM's role has narrowed to specifically managing financial obligations relative to UPCS band clearing. Accordingly, this report is specific to UTAM's current financial plans and outlook.

UTAM has a number of longer term fixed financial obligations and an offsetting expectation of future revenue. UTAM has repayment obligations to its original funding members of approximately \$6 million. UTAM is also obligated to repay approximately \$4 million to a number of wireless carriers pursuant to microwave cost-sharing contracts. UTAM is

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<sup>1</sup> Amendment of the Commission's Rules to Establish New Personal Communications Services, 10 FCC Rcd 7955 (1995) ("*Fourth Report & Order*").

<sup>2</sup> All parties who have paid the UTAM membership fee are members of UTAM and able to vote at annual UTAM member meetings. UTAM is generally governed by a Board of Trustees, who are elected by the members for staggered terms. The UTAM membership and Board are detailed in Attachment 1.

not currently making any payments on either class of obligations, and these obligations are not accruing any interest charges. UTAM is also owed \$12.7 million from new licensees upon auction of the 1915-1920 MHz band as *pro rata* reimbursement for cost-sharing expenditures to clear that band.<sup>3</sup> Under the circumstances, UTAM's expectation of future revenue more than offsets its liabilities, although it cannot satisfy such liabilities, nor can it take advantage of any surplus for current expenses, until the auction occurs. To the extent that any amount remains following such reimbursement and the shutdown of UTAM, that surplus would be donated to a non-profit at the time UTAM is legally dissolved.

UTAM is currently in a "maintenance mode" whereby it has minimized its activities and expenses, and has therefore been able to eliminate the per device fees that were formerly charged for UPCS devices. There is, however, a one time \$50,000.00 membership fee for new members, which is UTAM's sole source of operating revenue. At this time, UTAM is anticipating that the 1915-1920 MHz band will be auctioned in 2013. Based on UTAM's existing cash equivalents, UTAM believes it has sufficient operating revenue through 2013 with a prudent litigation and contingency reserve. Notably, UTAM has minimized its expenses to the extent possible; its Board of Trustees is uncompensated, Board meetings are held telephonically, and recurring expenses include only the Managing Director's salary, insurance premiums, and legal and accounting fees. UTAM's Board of Trustees closely monitors UTAM's expenditures and budget, and is not planning any modification to the amount of the fee through the end of 2013, unless the band is auctioned.

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<sup>3</sup> See Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems, ET Docket No. 00-258, *Sixth Report and Order, Third Memorandum Opinion and Order, and Fifth Memorandum Opinion and Order* 19 FCC Rcd 20720 (2004).



## UTAM MEMBERSHIP AND BOARD OF TRUSTEES

Aastra DeTeWe	M 7 System, Ltd.
AEI Communications	NEC Philips Unified Solutions
Alcatel-Lucent	Nitsuko America, Inc.
American Telecom Services, Inc.	Nortel Networks Inc.
Ascom Wireless Solutions.	Ooma, Inc.
Askey Computer Corp.	Open Peak, Inc.
Avaya, Inc.	Panasonic **
Bang & Olufsen a/s	Philips Consumer Electronics
Binatone Electronics Int'l. Inc.	Plantronics
CCT Marketing	Polycom
CeoTronics	Porta Phone Co. Inc.
Cisco Systems, Inc.	Punkt Tronics, AG
Cypress Electronics Ltd.	Quail Ltd.
Cybiotronics Ltd.	Riedel Communications
Dasanelectron Co. Ltd.	Revolabs, Inc.
David Clark Co., Inc.	RTX Telecom A/S
DeTeWe GmbH	Samsung Electronics
Doremi Labs, Inc.	Sennheiser Communications A/S
DRS Ltd.	Sensasia Shower Products, Inc.
Ericsson, Inc.	Shandong Bittel Electronics Co., Ltd.
Exceptional Innovations, LLC	Sharp Corporation
Giant Telecom	Siemens Enterprises, GMBH & Co.
Gigaset Communications USA, LLC	Sitel Semiconductor BV
Global China Technology	SMC Networks
GN Netcom	SNOM Technonolgy
Grace Digital Inc.	Sonetics Corp.
Iwatsu America, Inc.	Sound Merchandising, Inc.
Kingtel	SunCorp
Kirk Telecom	Teledex LLC
Konftel AB	Telefield, Ltd.
Lake Communications, Ltd.	Telematrix, Inc.
LG-Ericsson Co. Ltd.	The Great Arnoldi, LLC
Lightspeed Technologies, Inc.	Thomson, Inc.
LogicMark, LLC	Toshiba
Market Direct	Unical Enterprises, Inc.
MC Devices	Uniden **
Medical Alarm Concepts	Vitec Communications
Mitel	Vtech **
Motorola, Inc. **	3M Svenska AB

\*\* Indicates Board Membership