

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re Request of

ASSOCIATION OF AMERICAN RAILROADS)	WT Docket No. 14-75
)	
For Modification of Its Certification as a Part 90)	
Frequency Coordinator to Include 800/900 MHz)	
Spectrum Bands)	

To: Chief, Wireless Telecommunications Bureau

WRITTEN *EX PARTE* OF MOBILE RELAY ASSOCIATES

Mobile Relay Associates (“MRA”), by its attorney, hereby submits this written *ex parte* presentation in response to the Reply Comments filed July 1, 2014 by the Association of American Railroads (“AAR”) herein. In those Reply Comments, AAR claimed that MRA’s factual statements pertaining to past AAR coordinations were “baseless” (p.3) and “[i]n the last five years, the AAR has only coordinated three requests for MRA and two were completed in less than two weeks.” *Id.*, p.4.

The only thing baseless is AAR’s claim. AAR’s position is especially frivolous, because in its own Comments herein, at n.4, *MRA specifically identified the involved applications where AAR took five weeks to coordinate, and all AAR needed to do was to go to ULS to confirm the accuracy of MRA’s statements!* However, since AAR apparently is not inclined to do so, for convenience, MRA is herewith attaching as Exhibits A & B, respectively, copies of the AAR concurrences in each of the two MRA applications (File Nos. 0005892800 and 0005894520), as they appear in ULS associated with those applications. Each of those documents, filed in ULS at the time, show that AAR received the requests on July 2, 2013, and granted concurrence on August 9, 2013. That is just over five weeks, as MRA said it was.

Notwithstanding that MRA had the facts correct, and AAR was completely mistaken, MRA's goal is not to prevent AAR from being certified, but to ensure that MRA is never again the subject of discrimination on the part of AAR. In its Reply Comments, AAR did not make any express promise of nondiscrimination, only a general promise to abide by the rules. However, assuming that AAR meant that abiding by the rules includes not discriminating against MRA, MRA takes AAR at its word and hereby withdraws its request that AAR's certification be conditioned.

In order to allow AAR to demonstrate the absence of any discrimination against MRA, MRA intends to file in the near future applications for modification of certain facilities where MRA is the exclusive licensee, from FB6/MO6 to FB8/MO8, and will monitor how long AAR takes to process those applications.

Respectfully submitted,
MOBILE RELAY ASSOCIATES

July 3, 2014

Rini O'Neil, PC
1200 New Hampshire Ave. NW, 6th Floor
Washington, DC 20036

By: _____/s/_____
David J. Kaufman, Its Attorney
202-955-5516
dkaufman@rinioneil.com

EXHIBIT A

From ULS File No. 0005892800

----- Original Message -----

Subject:RE: AAR Concurrence request
Date:Fri, 9 Aug 2013 21:43:31 +0000
From:James G Reimer <James_Reimer@aar.com>
To:David Smith <dave@landmobile.com>

Concurrence granted.

The fee for this coordination is \$150 and will be billed at the end of the month.

James G. Reimer
AAR Frequency Coordinator
719-584-0578

-----Original Message-----

From: David Smith [mailto:dave@landmobile.com]
Sent: Tuesday, July 02, 2013 2:07 PM
To: James G Reimer; Dorothy Cornwell
Subject: AAR Concurrence request

Dorothy and James

FIT is requesting AAR's concurrence for the attached requested frequency

--
Dave Smith
FCC Frequency Coordinator
Forest Industries Telecommunications
(541)485-8441

EXHIBIT B

From ULS File No. 0005894520

----- Original Message -----

Subject:RE: AAR Concurrence request
Date:Fri, 9 Aug 2013 21:43:31 +0000
From:James G Reimer <James_Reimer@aar.com>
To:David Smith <dave@landmobile.com>

Concurrence granted.

The fee for this coordination is \$150 and will be billed at the end of the month.

James G. Reimer
AAR Frequency Coordinator
719-584-0578

-----Original Message-----

From: David Smith [mailto:dave@landmobile.com]
Sent: Tuesday, July 02, 2013 2:07 PM
To: James G Reimer; Dorothy Cornwell
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Dorothy and James

FIT is requesting AAR's concurrence for the attached requested frequency

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Dave Smith
FCC Frequency Coordinator
Forest Industries Telecommunications
(541)485-8441