



January 6, 2014

VIA COURIER AND ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Informal Opposition to Pending Applications

FCC File Nos. 5974431; 5974433; 5974740; and 6038081 – Sharmell, LLC

FCC File Nos. 5974432; 5974434; 5974435; 5974741; 5981686; 5981690;
5981692; 5983155; 5983162; 5989998; 6038074; and 6038080 – Spectrum
Networks

FCC File Nos. 5974742; and 5981684 – Finken Tracking & Comm., LLC

FCC File Nos. 5983156; and 5987126 – CCD900 Communications, Inc.

FCC File Nos. 5987130; 6038055; 6038058; 6038059; 6038062; 6038063;
6038065; 6038066; 6038069; 6038071; 6038072; 6039615; 6039616; 6039617;
6039620; 6039622; 6039624; 6039627; 6039628; 6039629 – Matly, LLC

FCC File Nos. 6038076; 6038077; and 6038078 – EZ-Raven Comms, LLC

FCC File No. 6038075 – Mellcell, Inc.

Dear Ms. Dortch:

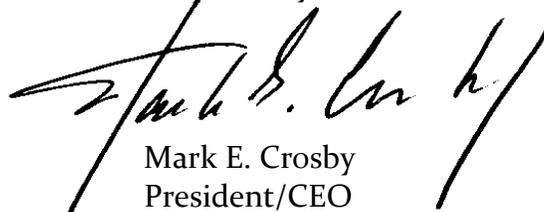
In accordance with FCC Rule Section 1.41, the Enterprise Wireless Alliance (“EWA”) requests that the FCC immediately dismiss the above-referenced applications, certified by AAA, on the basis that the applicants are demonstrably ineligible for the frequencies proposed. The frequencies requested all are allocated under FCC Rule Section 90.617(c). That rule states the following:

The channels listed in Table 3 are available to applicants eligible in the Industrial/Business Pool of subpart C of this part but exclude Special Mobilized Radio Systems as defined in §90.603(c). These frequencies are available in non-border areas. **Specialized Mobile Radio (SMR) systems will not be authorized on these frequencies.**¹

Although these applications specify a YU, trunked Business Radio Service, code, their responses to Question 41 on the Form 601 and to Question 2 on Schedule H make it clear that they intend to provide a commercial service, a service labeled SMR in the 900 MHz band. The applicants identify their regulatory status in Question 41 as “non-common carrier,” that is a non-interconnected provider of commercial service, rather than “private, internal communications,” which would be correct for Industrial/Business eligible entities. This status is confirmed in their eligibility statements on Schedule H, in which they assert that the spectrum will be used to “provide wireless services to Part 90 eligibles,” the very definition of an SMR, rather than to meet private internal communications requirements.

Finally, please note that the application for file number 5974434 does not comply with the Rule Section 90.621(b) short-spacing requirement vis-à-vis a license held by Duke Energy Business, call sign WPZP764. For these reasons, EWA requests that the FCC dismiss these applications as ineligible for the requested frequencies².

Respectfully submitted,



Mark E. Crosby
President/CEO

MEC:

cc: Dr. Gary J Friedland, Sharmell, LLC,
Carole L Downs, Spectrum Networks
Walter M. Finken, DMD, Finken Tracking & Communications, LLC
Dr. Daniel Ciechanowski, CCD900 Communications, Inc.
David A Mellish, Matly, LLC
Armando Nevarez, EZ-Raven Comms, LLC
Dr. David J. Mellish, Mellcell, Inc.
Mr. Richard Lorenz, AAA
Terry Fishel, WTB, FCC
Roger Noel, WTB, FCC
Scot Stone, WTB, FCC

¹ 47 C.F.R. §90.617(c) (emphasis added).

² The FCC may also wish to investigate party of interest issues, as the control point locations for all of these applications are identical.

Confirmation

Thank you for your submission. Please make a note of your confirmation number: **15691**.

The following information was submitted with this Pleading:

Type of Pleading

[Redacted]

Opposition

Dates

[Redacted]

Entered Date: 01/06/2014

Filer Information

[Redacted]

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Contact Information

[Redacted]

File Number(s)/Call Sign(s)

[Redacted]

0005974431	File Number
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0005974434	File Number
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0005974740	File Number
0005974741	File Number
0005974742	File Number
0005981684	File Number
0005981686	File Number
0005981690	File Number
0005981692	File Number
0005983155	File Number
0005983156	File Number
0005983162	File Number

0005987126 File Number
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Attachment(s)



01/06/2014 Pleading EWA Opposition to Pending
Applications

EWA Informal Opposition Re 900 MHz Apps
1-6-14.pdf