

April 8, 2004

Via Email

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 Twelfth Street, S.  
Washington, DC 20554

**Re: A.R.C. Inc.; WT 02-55**

Dear Chairman Powell:

A.R.C. Inc. ("ARC"), as a licensee purchased, awarded and operating a network of multiple EA licenses through Auctions 34 and 36, including many site-based licenses within the 800 MHz band, wishes to communicate with urgency that ARC's 800 MHz network must receive nondiscriminatory treatment should the Commission decide to move forward with some form of rebanding in this proceeding. ARC urges the Commission to adopt the following approach:

- ARC must be allowed to operate in the "cellularized" portion of the band however that is defined. If the Commission decides to establish the cellularized band above 861 MHz ARC must be allowed to relocate its operations into this portion of the band.
- ARC and other EA licensees must be allowed to relocate to clear, contiguous spectrum throughout its operating area, either current NPSPAC or upper 200 or a combination thereof.
- The spectrum must be cleared of incumbents with fair treatment and consideration to all EA licensees. ARC and all EA licensees should be treated the same as Nextel.
- The Commission must ensure the "exchange rate" for spectrum for all concerned is non-discriminatory. ARC's spectrum must be counted in the same manner as other parties who would be relocated including Nextel and Nextel Partners. Nextel and Nextel Partners cannot be allowed to trade spectrum on one basis while all other parties are forced to accept replacement spectrum on another, less favorable, basis.

ARC respectfully requests the Commission to take these points into consideration when it moves towards a decision in this important proceeding.

Very truly yours,

**A.R.C., INC.**

John W. Harris