

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

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Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 90.631)
of the Commission's Rules and)
Regulations Concerning Loading) PR Docket No. 92-17
Requirements for 900 MHz) RM-7827
Trunked SMR Stations)

To: The Commission

COMMENTS
OF THE
ADVANCED MOBILECOMM, INC.

Advanced MobileComm, Inc. ("AMI") by its attorneys, respectfully submits, pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. §1.415, its Comments in response to the Notice of Proposed Rule Making issued by the Commission in the above-captioned proceeding.¹

I. BACKGROUND

AMI is a wholly owned subsidiary of FMR Corporation, a Massachusetts corporation which together with its subsidiary companies (collectively, "Fidelity Investments") provides investment, management and shareholder services for retail and institutional investors; provides discount brokerage services; manages and develops real estate; and invests in emerging businesses such as AMI. Fidelity Investments manages over \$100 billion in assets and is the largest privately held manager of mutual funds in the United States.

¹57 FR 6570 (February 26, 1992).

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Fidelity Investments is actively involved in the provision of both fixed and mobile telecommunications services throughout the United States to satisfy the communication needs of its investment management, securities brokerage, and other businesses. Fidelity, through its Fidelity Telecommunications Company ("FTC"), manages and operates an extensive telecommunications system consisting of leased lines, private microwave systems, private fiber optic systems, and sophisticated voice and data switching centers in a communications network that links its customer service centers and individual customers on a nationwide basis.

AMI is one of the largest SMR service providers in the country, with operations in ten (10) markets, including Boston, Massachusetts, Las Vegas, Nevada, and San Diego, California. AMI owns or operates 900 MHz systems in Boston and Miami, Florida.

The Commission's Notice is in response to a Petition for Rule Making filed by the National Association of Business and Educational Radio, Inc. ("NABER") on June 26, 1991. NABER's Petition requested extension of the loading deadlines for 900 MHz Specialized Mobile Radio Systems. NABER states that the need for extending the loading dates due to: (1) difficulties in the development of suitable 900 MHz equipment; (2) delays in system development resulting from speculation in conjunction with lotteries held to select SMR licensees; and (2) impediments to the development of an effective and competitive 900 MHz SMR service

that have resulted from the Commission limitation of licensing to the 46 Designated Filing Areas ("DFAs").²

Although NABER recommended that the Commission extend the loading date by two (2) years, with a requirement for licensees in the top eight (8) markets to demonstrate loading of at least twenty percent (20%) at the end of the initial five (5) year license term, the Commission's Notice of Proposed Rule Making only proposes to extend the loading deadline for 900 MHz SMR licenses granted during the first two (2) years which the frequencies were available. The Commission has not proposed to require the twenty percent (20%) loading test for systems in the largest markets.

II. COMMENTS

AMI supports the Commission's proposed loading extension. As an operator of 900 MHz systems, AMI is keenly aware of the loading difficulties which have resulted from the unique equipment, assignment and economic conditions which have slowed the loading of 900 MHz SMR Systems.

The economic problems which have plagued the country and delayed the purchase of new or expanding mobile equipment by customers has been particularly acute in the northeastern portion of the United States. Unlike the 900 MHz market, new 800 MHz equipment was first made available to the general user public during a period of economic expansion, when businesses were looking at new communications service to replace equipment used on shared and congested 450 MHz spectrum. Thus, initial equipment

²Notice at footnote 4.

difficulties could more easily be overcome as users learned to utilize a new and innovative service. In contrast, 900 MHz development has been during a period of relative economic hardship, when businesses are less inclined to invest in more expensive equipment which does not provide service equal to or better than 800 MHz equipment.

As cited in NABER's original Petition, there was a significant period of disruption after the initial issuance of the 900 MHz licenses, as speculators which had received licenses marketed their licenses to legitimate SMR operators, a process which has now been completed. Thus, precious time was lost which would normally have been utilized loading the systems. AMI believes that a failure to extend the loading deadlines will only lead to further economic disruption in the market, while recovered channels will lead once more to license speculation.

While AMI continues to believe that the 900 MHz SMR market can and will flourish over time, the relief being proposed is needed to ensure that operators with a significant investment in 900 MHz equipment do not lose channels because of the temporary disadvantages of 900 MHz service offerings compared to 800 MHz services. Therefore, AMI supports the proposed extension.³

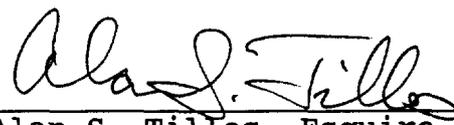
³The Commission may wish to undertake a more complete review of its loading requirements, including the 800 MHz band.

III. CONCLUSION

WHEREFORE, Advanced MobileComm, Inc. respectfully requests that the Commission amend Section 90.267 of its rules consistent with these Comments.

Respectfully submitted,
ADVANCED MOBILECOMM, INC.

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