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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

JUN 16 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	ET Docket No. 92-100
Dial Page, L.P.)	RM-7977
)	
Mobile Telecommunications Technologies Corporation)	RM-7978
)	
Pactel Paging)	RM-7979
)	
Pactel Paging)	RM-7860
)	
Pagemart, Inc.)	RM-7980

REPLY COMMENTS

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Dated: June 16, 1992

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SUMMARY

Dial Page, L.P. ("Dial Page") replies to the comments filed with respect to its petition for rulemaking to establish an advanced messaging service ("AMS") called Acknowledgment Paging ("AP") in the 930-931 MHz reserved band.

Several parties filed comments concerning Dial Page's AP proposal. Two parties, Pagemart, Inc. ("Pagemart") and Pagenet, Inc. ("Pagenet") specifically oppose an allocation for AP. By this reply, Dial Page will demonstrate that the opposition of these parties is misplaced and merely a self serving attempt to obtain an allocation for their own proposed services which require almost the entire reserved frequency band. Thus, both parties attack Dial Page's proposal, as well as other AMS applicants in an effort to support themselves.

Specifically, both Pagemart and Pagenet allege that AP does not merit consideration as an AMS because it is too limited in functionality. Pagemart claims AP is not a two-way service capable of transmitting complex data, and thus does not offer improvements in the total information delivered to the subscriber. Moreover, Pagemart argues that AP is an inefficient use of scarce spectrum, and does not offer system capacity for a large number of users. Dial Page demonstrates herein that these criticisms are misplaced.

In this reply, Dial Page will show that AP is capable of providing significant communications service, including the

immediate acknowledgement of a page and the provision of additional telemetry services. Moreover, Dial Page will demonstrate that AP is a low cost, technically feasible proposal that advances the state of the art of conventional paging services, unlike Pagemart's extremely complex proposal for wireless data transmission services. In addition, Dial Page will show AP to be a spectrally efficient service since it eliminates excessive re-paging, and permits a large number of users to be accommodated on the same AP frequency. Moreover, AP can be used in conjunction with other AMS proposal to provide the acknowledgement feature several other proposals require. Finally, Dial Page will demonstrate that there already exists consumer demand for AP because it makes paging more reliable.

Dial Page submits that the Commission reserved the 930-931 MHz spectrum for advanced paging technology. Dial Page believes that its proposal for AP is the type of advanced paging technology for which the Commission reserved this frequency band and that will further the state of the art of conventional paging.

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REPLY COMMENTS

Dial Page, L.P. ("Dial Page"), by its attorneys, replies to the comments filed with respect to the above-captioned petitions for rulemaking to establish an advanced messaging service ("AMS") in the 930-931 MHz band. As explained below, Dial Page strongly supports the allocation of the 930-931 MHz spectrum for AMS and requests that the Commission issue a Notice of Proposed Rulemaking to establish rules and policies to govern AMS.

I. Introduction.

1. On October 11, 1991, Dial Page filed a petition for rulemaking asking the Commission to establish a Common Carrier Acknowledgement Paging Service ("AP").^{1/} In addition to Dial Page's proposal, several other parties have proposed new services for the 930-931 MHz spectrum. Pactel Paging proposed a one-way ground-to-air service,^{2/} Mobile Telecommunication Technologies

^{1/} On June 1, 1992, Dial Page supplemented its petition.

^{2/} Pactel's ground-to-air paging service would be designed to allow subscribers to receive a page on an in-flight aircraft. Customers could respond to such pages by placing a call via the regular air-ground radio telephone airborne unit. See Pactel Petition for Rulemaking (October 15, 1991).

Corporation ("Mtel") proposed a two-way nationwide wireless network service,^{3/} Pactel Paging proposed a one-way advanced architecture paging service,^{4/} and Pagemart, Inc. ("Pagemart") proposed a two-way personal information messaging service.^{5/}

2. On April 30, 1992, the Commission released a public notice requesting comments by June 1, 1992 concerning these petitions. The reply comment deadline was set therein at June 16, 1992. Several parties commented on these petitions. They include Arch Communications Group, Inc. ("Arch"), Celpage, Inc. ("Celpage"), Echo Group, LP, ("Echo"), Glenayre Electronics, Ltd. ("GEL"), Mobile Communications Corporation of America ("MCCA"), Motorola, Inc. ("Motorola"), Mtel, Pagemart, and Paging Network, Inc. ("Pagenet")^{6/}. In addition to these comments, MCCA proposed in its comments a new service it calls verified

^{3/} Mtel requests an allocation for a high-speed messaging service for data transmissions to portable terminals. See Mtel Petition for Rulemaking (November 12, 1992).

^{4/} Pactel requests an allocation for one-way data transmissions to a subscriber. See Pactel Petition for Rulemaking (August 2, 1991).

^{5/} Pagemart requests an allocation for a two-way service to permit a subscriber to receive and send textual information to a wide variety of portable or stationary devices. See Pagemart Petition for Rulemaking (February 28, 1992).

^{6/} Pagenet apparently commented on Dial Page's proposal because it filed simultaneously a Petition for Rulemaking for a service called "VoiceNow." Pagenet Petition for Rulemaking (June 1, 1992). Pagenet's VoiceNow service would allow a pager unit to store a voice message to be played at the user's choosing. The user would be paged and alerted to the fact that a voice message had been received. In addition to Pagenet, several other parties have filed Pioneer's Preference requests. The Commission issued a Public Notice on June 4, 1992, requesting comments on these requests by June 19, 1992. Accordingly, Dial Page will address these requests at that time.

information paging. In light of these comments and additional proposals, it is clear that there are potentially a number of advanced services to support an allocation of the reserve spectrum for AMS.

3. As will be demonstrated below, at least one of the proposals before the Commission, Pagemart, requests an allocation for what is clearly a personal communications service rather than an advanced technology paging service. The Commission ought not consider proposals for PCS here. Rather, the Commission should consider PCS proposals as part of the PCS proceeding.^{7/} Accordingly, the Commission should issue a Notice of Proposed Rulemaking to promulgate rules for the allocation of reserve spectrum to advanced paging technology services only.^{8/}

^{7/} As Dial Page submitted in its June 1, 1992 supplement, the AMS proceeding should remain separate from the PCS proceeding. Contrary to PCS services, paging services are traditionally one-way services that require use of limited spectrum. While definitions of PCS abound, Dial Page believes that at a minimum, PCS will be some kind of a two-way data/voice service and it will require a great amount of spectrum. Proponents of PCS have requested use of a 350 MHz block of spectrum in the 1850-2200 MHz band for PCS service as opposed to the 1 MHz block of spectrum in the 930-931 MHz band requested for advanced technology paging services. See Amendment of the Commission's Rules to Establish a New Personal Communications Service, 6 FCC Rcd 6601 (1991). See also Amendment of the Commission Rules to Establish a New Personal Communications Service, 5 FCC Rcd 3995 (1990). Accordingly, the 930-931 MHz frequency band is not appropriate for PCS type services.

^{8/} In 1982, the Commission reserved 1 MHz of spectrum in the 930-931 MHz band for potential use by advanced technology paging systems. Amendment of Parts 2 and 22 of the Commission's Rules to Allocate Spectrum in the 928-941 MHz Band and to Establish other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Radio Service (hereinafter "1982 Order"), 89 F.C.C.2d 1337 (1982). In its 1982 Order, the Commission stated that
(continued...)

4. Two of the commenting parties, Pagemart and Pagenet, specifically oppose an allocation to Dial Page for AP service.^{9/} Indeed, they self-servingly oppose an allocation to anyone but to themselves because they each require essentially the entire allocation for their own proposals.^{10/} As Dial Page will demonstrate below, those suggestions should be disregarded.

II. Pagemart's and Pagenet's criticisms are unjust.

5. Pagemart and Pagenet engage in a wide ranging attack on Dial Page's proposal for Acknowledgment Paging.^{11/} Both commentators attack what they call the service's limited functionality, with Pagemart suggesting there is likely to be limited demand for, or satisfaction with, AP service because

^{8/} (...continued)

reserving this spectrum would encourage development of advanced technology systems. As demonstrated by the various petitions for rulemaking, the Commission was correct, there are several advanced paging services that could truly benefit the public and satisfy certain unmet consumer demands.

^{9/} Arch submitted comments supporting an allocation of spectrum for only one-way messaging service. See Arch Comments (June 1, 1992). Arch classified Dial Page's proposal as two-way because it requires mobile to base communications. See Arch Comments, p. 3, n. 3. However, Dial Page submits while there is a two-way aspect to AP, it should not be considered to be in the same category as Pagemart's proposal. AP will enhance traditional paging service and is simply a logical, presently unavailable, next step in the progression of paging. Pagemart's proposal, as will be demonstrated below, is already being offered by several other carriers, and is clearly closer to traditional, fully duplex, two-way mobile services.

^{10/} Pagemart wants 800 KHz for its proposal and Pagenet suggests that the Commission divide the spectrum up into four 250 KHz blocks.

^{11/} See Pagemart Comments, pp. 28-40; Pagenet Comments, pp. 19-21.

most pages are designed to initiate a two-way telephone conversation.^{12/} Moreover, Pagemart posits a seven point test for whether a proposed service merits consideration as an advanced technology paging system.^{13/} Not surprisingly, Pagemart's analysis finds that Dial Page -- as well as everyone other than Pagemart -- fails that test. Specifically, Pagemart alleges that the AP proposal fails in the following additional respects: (1) it does not permit the transmission of lengthy

^{12/} The Commission should note that Pagemart, not only attacks Dial Page's proposal, it attacks all of the proposals. See Pagemart Comments (June 1, 1992). Pagemart is also the only company that requests 800 KHz of the reserved spectrum, 80 percent, thus precluding virtually all other proposals. Most of the proposals for AMS are not mutually exclusive and could each be granted. Moreover, the unnecessarily arrogant tone of Pagemart's comments, when it cannot demonstrate that its proposal is more feasible than any other proposals reeks of a "frequency grab." We believe the strident attack by Pagemart on the other proposals merely demonstrates Pagemart's understanding of the degree to which its own proposal would unnecessarily gobble up the bulk of the reserved frequency band.

^{13/} Pagemart, provides no authority to support its criteria that AMS applicants should meet for an allocation of spectrum. See Pagemart Comments, pp. 3-4. In reality, the Commission has never directly defined AMS. In reserving the spectrum in the 930-931 MHz band, the Commission merely stated that "the reserve band frequencies will be available only for advanced technology paging systems." 1982 Order, 89 F.C.C 2d at 1341. The Commission has never defined specific criteria to determine what constitutes an advanced technology paging service.

Accordingly, Pagemart's criteria in no way governs the Commission's allocation. Moreover, as Telocator stated in its petition for rulemaking, AMS contemplates a wide range of highly creative applications that go well beyond paging's current ability to alert and inform. See Telocator Petition for Rulemaking (January 23, 1991). Thus, the Commission's definition of AMS should be flexible enough to permit numerous creative and innovative proposals. Pagemart's list of criteria defining AMS is merely Pagemart's self serving attempt to highlight its own proposal. In any event, Dial Page addresses each of these criteria below.

complex text, graphic and facsimile files; (2) it does not offer improvements in total information delivered to total subscribers; (3) it is an inefficient use of scarce spectrum; (4) it does not offer system capacity for a large number of users regionally and nationally; (5) the subscriber will be penalized because of bulky inefficient equipment; and (6) it offers only a nominal form of "two-way" service, the equivalent of conventional paging in each direction.^{14/} As will be demonstrated below, Pagemart's and Pagenet's criticisms are misplaced.

A. Acknowledgment Paging is capable of significant communications.

6. Pagemart asserts that Dial Page's proposal is neither novel nor substantial.^{15/} Pagemart argues that demand for acknowledgement of a page is effectively accomplished today by simply repeating the page if the sender does not call in response to the page.^{16/} In addition, Pagenet asserts AP is only a limited enhancement to existing services.^{17/} Dial Page disagrees.

7. AP is capable of providing significant communications. AP service is more than just a mere acknowledgement of receipt of a page. In addition to a simple acknowledgment, AP can provide a wide variety of messages, depending on each individual subscriber's needs. Indeed, such messages may be tailored to

^{14/} See Pagemart Comments, pp. 28-29.

^{15/} See Pagemart Comments, pp. 28, 37.

^{16/} See Pagemart Comments, p. 29.

^{17/} See Pagenet Comments, p. 19.

meet specific consumer demand. Dial Page envisions a system whereby each subscriber has associated with him a limited number of messages that can be activated depending on the particular circumstance. The consumer will push a button on the pager unit to activate the message desired. Thus, AP can provide significantly greater communications service than just a simple acknowledgment service.

8. In any event, Dial Page disagrees that even a simple acknowledgement of a page is not a significant communications service. Most of the AMS proposals submitted by other parties contain an AP like feature. Dial Page submits that those proposals support the significance of AP.^{18/} Many of the new proposals involve the transmission of complex data. The more complex and value intensive the message, the more important the need to be sure the user receives such messages. Moreover, AP can be used in conjunction with other AMS services.^{19/} Thus, AP promises to increase the reliability of complex data transmission services as well as conventional paging service.^{20/}

^{18/} Pagemart's proposal itself contains an acknowledgement feature. After a message is sent and once it is received by the subscriber unit, an acknowledgement is sent back on the return link channel. See Pagemart Petition, p. 15. We thus find it difficult to understand Pagemart's opposition to Dial Page's AP service.

^{19/} AP goes hand in glove with high capacity information transmissions. AP could be paired with each of the current AMS proposals if the market place so decided.

^{20/} Pagenet claims Dial Page's proposal for three licensees per three regions denies paging companies the flexibility necessary to design and operate their own systems. Pagenet Comments, pp. 19-20. Thus, Pagenet argues it is highly unlikely that the region in which an AP licensee could

(continued...)

9. Finally, AP has service capabilities beyond mere acknowledgment of a page. AP can be used for telemetry services, for status reporting, and for personal locating devices. Once a receiver network is constructed, the system can be used for remote meter reading, alarm monitoring, status reporting or any other telemetry service.^{21/} In light of the above, it can be seen that AP is a significant enhancement to conventional paging service.

B. Acknowledgment Paging adds reliability to existing paging services.

10. Contrary to Pagemart's criticism, AP offers a significant improvement in the total information delivered to subscribers. Currently, when a page is sent, a sender has no way to verify reception of the page, except if he receives a return phone call. With conventional paging, making a return phone call is often time consuming and inconvenient given the lack of availability of a nearby accessible telephone in certain areas,

^{20/} (...continued)

provide AP would correspond with another carrier's system. Contrary to Pagenet's assertions, Dial Page's proposal for three channels will foster competition and motivate licensees to construct efficient competitive systems. Any subscriber will be able to obtain AP service on a local, regional or nationwide basis depending on its particular needs and any existing paging company could enter into service agreements with AP providers to obtain the service for their customers, as needed. For example, Dial Page currently provides nationwide service to certain customers through an agency relationship with a nationwide carrier.

^{21/} As will be demonstrated below, the personal locating factor is significant in relation to quantitative data transmissions, E-mail or facsimiles. Once a person is located, a message can be sent directly to the person as opposed to transmitting nationwide to be sure a message is received. This locator ability supports the spectrum efficiency of an AP service.

or the need to stop a moving vehicle to use a public telephone. With AP, a telephone call may not be needed at all since the message is received, and all parties are aware that the communication has been conveyed. This gives both users and senders "peace of mind." Common sense dictates that "peace of mind" is a valuable enhancement to conventional paging services.^{22/}

11. Pagemart, in a related argument, also posits the criticism that the benefit of AP does not incur to the subscriber of the paging service, but rather to the sender of the page.^{23/} Even if true -- which it is not -- that is irrelevant. Pagemart assumes that a user of paging service does not value convenience to the sender of a message. That assumption is ridiculous. An acknowledgment of a message benefits both the user and the sender of page. A communication received, and the knowledge that a communication is received, is clearly important to all parties involved. That is what makes a "communication."

12. Similarly, Pagemart misconstrues the value of AP in the medical field by wrongly asserting that AP does nothing in a medical emergency, and that it may create an incorrect reliance on a false acknowledgement.^{24/} First, when a doctor is paged, he is normally paged through an answering service not directly by a

^{22/} As will be demonstrated below, this common sense is supported by a detailed Arthur D. Little market survey which demonstrates a large consumer demand for such "peace of mind."

^{23/} See Pagemart Comments, p. 32.

^{24/} See Pagemart Comments, p. 35.

patient. And, it is the answering service that receives an acknowledgement, not the patient. Thus, if the answering service does not receive an acknowledgement, it can then respond appropriately, by contacting another doctor or the patient. Clearly, AP only serves to speed up the process of locating, or not locating the medical professional. Pagemart also misconstrues the value of AP with salesmen.^{25/} Again, when a salesman is paged, it is usually through his office at the request of a client. Thus, it is the office that receives the acknowledgement, or does not receive it. The office can then respond to the client appropriately or have another available salesman respond. Again, AP can be critical in a circumstance where the party paged is not able to respond by telephone, a situation Pagemart simply chooses to ignore.

C. Acknowledgement Paging is a significant enhancement to conventional paging.

13. In a related argument, Pagemart asserts that AP offers no more than the equivalent of paging in each direction.^{26/} However, there is no rule or requirement that an advanced paging technology be a two-way data transmission service as Pagemart suggests. Indeed, such a service is more a PCS offering, than a paging service. Paging is, after all, traditionally a one-way service. In any event, as described above, AP is capable of providing many services in addition to acknowledgment, such as

^{25/} See Pagemart Comments, p. 36.

^{26/} See Pagemart Comments, p. 29. Pagemart's statement is clearly supportive of Dial Page's position that AP is a one-way service.

telemetry. Furthermore, while Dial Page's proposal may not be as technologically complex as others, it is an innovative enhancement to paging and is technically feasible and cost effective. Most of the other proposals are still merely "theories," that may never prove feasible. Thus, it is unclear whether those proposals will ever be feasible and even more importantly, cost effective. AP is more than a mere theory, it is a viable inexpensive advanced communications service.

D. Acknowledgment Paging is spectrum efficient.

14. Pagemart argues that allocation of separate channels for acknowledgement paging would be spectrally inefficient because AP is "not robust enough to develop any significant services with 25 KHz network links."^{27/} Pagemart seems to believe that AP is a "wasteful service offering that requires two 25 KHz channels that one 25 KHz channel does today," and that only a minority of subscribers will be willing to pay for acknowledgement service.^{28/} Pagemart misunderstands Dial Page's proposal and assumes incorrectly a need for double band width for AP.^{29/} AP uses existing low band, VHF, UHF and 900 MHz frequencies for the outgoing page so only one additional 25 KHz channel is needed for the acknowledgement.

^{27/} See Pagemart Comments, p. 37. We don't purport to understand what Pagemart means by this, but it is what they said.

^{28/} See Pagemart Comments, p. 37.

^{29/} See Pagemart Comments, p. 37.

15. As already mentioned, the 1 MHz band includes forty 25 KHz channels.^{30/} Dial Page requests an allocation for only three of those channels to AP. Thus, AP will need only 7.5 percent of the reserved frequency band. Accordingly, and unlike the Pagemart proposal, an allocation for AP service does not have a substantial preclusive effect on use of the reserved spectrum by other AMS services as described above. Moreover, AP can be used in conjunction with other AMS services that need the AP feature. Thus, use of only 7.5 percent of the spectrum could benefit a number of the other AMS services thereby reducing the spectrum needs of those services.

16. AP offers other spectrum efficiencies. AP is designed to eliminate excessive re-paging. Because a user has the ability to acknowledge receipt immediately, the sender need not continue to page a user unnecessarily. AP will therefore help reduce the aggregate volume of paging traffic, while increasing the utility of the service. Moreover, the AP system utilizes a number of low power receivers which permits a large number of users to be accommodated on the same frequency.

17. Pagemart posits that AP is not spectrally efficient because if a subscriber is in a fringe area -- either because of terrain obstructions or because the user is on the edge of the coverage area -- the subscriber may be unreachable by either

^{30/} Arch raises concerns of potential interference from adjacent frequency channels. Arch Comments, pp. 5-6. Dial Page recognizes the possibility of interference. Under its experimental authorization, Dial Page has proposed and will conduct extensive tests designed to determine whether adjacent channel interference will affect the operations of AP.

conventional or acknowledgment paging, and the only additional value provided by AP is in knowing the page may not have been received.^{31/} As Dial Page explained in its petition, should a page not be acknowledged, the user is repeatedly paged, thereby increasing the likelihood that the page will in fact be received. In any event, the importance of knowing that a page has not been received, is just that -- the sender knows the message was not conveyed. Without acknowledgment service, a sender never knows whether a page was received, or whether a user received the page, but is unable to call back.

E. There already exists a substantial demand for AP.

18. Contrary to Pagemart's and Pagenet's assertions as to the need for AP service,^{32/} no party seriously denies that Dial Page has documented a substantial demand for the service. Dial Page engaged the marketing firm of Arthur D. Little ("ADL") because it is a reputable marketing research firm that has long been relied upon by the paging industry. Through the results of its ADL study, Dial Page determined there is significant demand for AP service. ADL used personal interviews to forecast demand for AP, and analyzed its results using statistically accurate and reliable means. No commenting party has advanced any reason to question ADL's qualifications to determine the demand, or the demand itself. Accordingly, ADL's study which indicates that up

^{31/} See Pagemart Comments, pp. 30-31.

^{32/} See Pagemart Comments, p. 31. Pagenet itself does not dispute that there may be a demand for AP service. See Pagenet Comments, p. 19.

to four million current paging customers may subscribe to AP remains unrebutted.

19. In addition, the study demonstrated an additional four million consumers not currently using paging services would use paging if it had AP capability. Pagemart asserts, without any factual basis, that only alphanumeric pager users -- which it states are only five percent of the total market -- would require AP.^{33/} However, the ADL study surveyed a random sample of Dial Page's existing paging users, approximately 70 percent of which are digital users, 12 percent are alphanumeric users, 12 percent are tone and voice users, and 7 percent are tone-only users. The results of that survey indicated that interest in AP service was across the board and not just among alphanumeric users. Accordingly, Dial Page, determined there is a large market for AP service among all existing paging users.^{34/}

F. Dial Page will prove the efficacy of the equipment needed for AP.

20. Pagemart wrongly concludes that the equipment necessary to implement AP would suffer disadvantages compared to current equipment in terms of the complexity, size, weight, power consumption, price and portability.^{35/} Essentially, Pagemart suggests that combining a transmitter with a paging receiver will increase the cost and size of the paging unit and run down its batteries faster than a conventional paging receiver.

^{33/} See Pagemart Comments, p. 32.

^{34/} Dial Page submitted the ADL study in its Supplement to Petition for Rulemaking, (June 1, 1992).

^{35/} See Pagemart Comments, p. 38.

21. Obviously, combining a receiver and a transmitter in one unit will result in some increase in power consumption per page compared to conventional paging units. However, AP units will operate in transmit mode for only short bursts.^{36/} Current pagers receive on average 40 pages a month. It is unlikely that the amount of acknowledgements such a pager would broadcast would be a significant power drain. Given these facts, there is no reason to believe that an AP unit cannot be manufactured having the same comparable battery life to current paging units.^{37/}

22. Dial Page is currently exploring with equipment manufacturers the design for the equipment necessary to support AP. Dial Page's experimental application specifically proposed tests to ensure the feasibility of equipment.^{38/} Pagemart should not be so quick to say it can't be done before anyone has the chance to do it.

23. Pagemart also inquires as to whether the service will work, questioning how the person paging the subscriber will receive the acknowledgment.^{39/} Pagemart obviously does not understand how Dial Page's proposed system operates. The AP system will utilize the automatic number identification service

^{36/} The transmission of the acknowledgement will be no longer than the original page. The message itself, e.g., "I received the page," is stored in the ACK controller.

^{37/} Dial Page's discussions with equipment manufacturers have indicated that the AP pager units will be only marginally larger than existing paging units.

^{38/} In its June 1, 1992 Supplement to Pioneer's Preference, Dial Page submitted a report listing the experiments it already conducted and those proposed.

^{39/} See Pagemart Comments, p. 39.

provided by all telephone companies which employ digital switches. Whoever pages the user, will receive a call back via the PSTN acknowledging the page.

III. Pagemart requests PCS type service that is not appropriate for an allocation in the 930-931 MHz band reserved for advanced paging services.

24. Although Pagemart attacks the bona fides of each of the proposals pending before the Commission, it argues that its proposal is the only valid AMS proposal. Dial Page begs to differ. Pagemart seeks to provide interactive wireless data service which will offer textual and graphic message transmissions on a two-way basis to portable subscriber units. Pagemart's proposal is not an "advanced technology paging service" for which the spectrum was reserved. It is more readily defined as a mobile data personal communications system. Pagemart should not request an allocation in the 930-931 MHz band. Rather, it should be proposed and considered as part of the PCS proceeding.^{40/}

25. In addition, there is nothing new about Pagemart's proposal. As Pagenet points out in its comments, certain companies offer such service today including ARDIS, Inc. and Ram Mobile Data.^{41/} Moreover, cellular and SMR operators have already indicated a willingness and desire to offer enhanced mobile data communications through their existing systems. The 930-931 MHz spectrum is simply not the appropriate or most

^{40/} See Amendment of the Commission's Rules to Establish New Personal Communications Services, 6 FCC Rcd 6601 (1991).

^{41/} See Pagenet Comments (June 1, 1992).

effective frequency band for Pagemart's proposed service. Given the existing and proposed wireless data services, no new allocation for new two-way data services in the 930-931 MHz band is necessary.

26. Additionally, Pagemart's proposal is still merely a theory that is extremely technically complex. Moreover, Pagemart requests an extremely large amount of spectrum, which would preclude other services from implementation, without hard evidence that the proposal will work. More importantly, it is unclear as to whether Pagemart's proposal could be cost effective or serve a significant consumer demand rather than just a niche market.

IV. The Commission should adopt certain principles to evaluate AMS proposals.

27. It is clear from review of the comments submitted thus far on the various AMS proposals, that the Commission needs to adopt at least some defining principles for the advanced paging services. Dial Page suggests the Commission should require that any proposal for AMS be an enhancement to existing paging services, rather than a disguised PCS system. The Commission specifically reserved the 930-931 MHz band for advanced paging services.^{42/} Thus, the Commission should require an added feature or functionality to an existing paging service, not services similar to those currently contemplated under the PCS proceeding. Such an enhancement ought to further the state of

^{42/} Arch asserts that the 930-931 MHz spectrum is needed to handle future paging. Arch Comments, pp. 3-4. However, the Commission reserved this band for advanced services, not for expansion of existing paging services.

the art of current paging technology to qualify for the use of this reserved spectrum.

28. In addition, in assessing AMS proposals, the Commission should attempt to maximize entry opportunities.^{43/} Since the spectrum can be divided into forty 25 KHz channels and allocated for more than one AMS service, the Commission ought to carefully scrutinize proposals for large amounts of spectrum to ensure the spectrum is awarded only in a manner to give the least amount of spectrum needed to accommodate a service. In this manner, and by setting certain use standards, as will be explained below, the Commission can best ensure that the spectrum is used for its intended purpose and actually meets a public demand for service.

V. The Commission must adopt allocation standards to safeguard the spectrum.

29. As Dial Page showed in its Supplement, because there are different proposals for the utilization of all or some of the reserve spectrum, and because no one can predict with absolute certainty the public demand for any of the services, the Commission should allocate these services with a usage benchmark to ensure the allocation meets a real public need. Motorola supports such a proposition by suggesting that the AMS allocation should include safeguards to require that, for spectrum actually licensed, systems must be constructed and some requisite channel loading must be achieved before succeeding frequencies are licensed.^{44/} Motorola also suggests that as an

^{43/} In this connection, Pagemart's proposal, which would use 800 KHz of spectrum, would be an unusual and wasteful use of limited spectrum.

^{44/} See Motorola Comments, p. 5.

initial safeguard, the Commission should restrict the amount of spectrum issued to licensees at the first stage, keeping the remainder of AMS spectrum available to be licensed for needed expansion by AMS providers that actually implemented service.^{45/} Dial Page supports this proposal. Moreover, should an AMS licensee not meet that standard, the spectrum should be returned to the Commission.^{46/} Such a standard would ensure that valuable spectrum would not lie fallow for some unforeseeable time. Additionally, such a standard would ensure that petitioners "put their money where their mouths are" and actually implement their AMS proposals.

30. Dial Page also proposes that the Commission set a high application fee to discourage speculation. By setting a high fee, the Commission will help to ensure that only those with realistic business plans apply for the spectrum.^{47/}

^{45/} See Motorola Comments, p. 5.

^{46/} At a minimum, any licensee awarded a pioneer's preference who doesn't ultimately utilize the spectrum for the purpose it proposed, must be required to return the spectrum.

^{47/} The Commission should note that when it set a fee of \$12,000 for nationwide 220 MHz applications, it cut down significantly on the number of speculative applications filed.

VI. Conclusion.

31. Dial Page respectfully requests that the Commission initiate a rulemaking proceeding to allocate spectrum and adopt rules AMS.

Respectfully submitted,

DIAL PAGE, L.P.

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CERTIFICATE OF SERVICE

I, Patricia Edwards, a secretary in the law offices of Lukas, McGowan, Nace & Gutierrez, Chartered, do hereby certify that I have on the 16th day of June, 1992, sent by first class United States mail copies of the foregoing REPLY COMMENTS to the following:

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