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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
)
Request by Metriplex, Inc.)
for a Pioneer's Preference for)
Hybrid Data Network With)
Acknowledgement Paging)

ET Docket No. 92-100
PP-81

OPPOSITION

Mobile Telecommunication Technologies Corporation ("Mtel"), by its attorneys, respectfully submits these comments in opposition to Metriplex, Inc.'s Request for a Pioneer's Preference for Hybrid Data Network With Acknowledgement Paging ("HDNAP"). As discussed below, Metriplex's proposal fails to demonstrate either technical feasibility or true innovation in accordance with the Commission's pioneer preference requirements. Consequently, it must be dismissed.

I. STATEMENT OF INTEREST

Mtel has long been an innovative and leading provider of messaging services.¹ Through its SkyTel™ and Mtel International subsidiaries, Mtel provides nationwide paging

¹ Mtel's recent accomplishments include the first 2400 bps simulcast messaging technology and providing nationwide one-way wireless electronic mailbox ("e-mail") service to AT&T Safari™ and HP95LX computers through the SkyTel™ network.

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service to more than 180,000 subscribers across the United States and overseas. In addition, Mtel has filed a Petition for Rulemaking and Request for Pioneer's Preference for a new Nationwide Wireless Network ("NWN") service.²

The Commission's pioneer preference policies have attracted a wide range of petitioners seeking to provide advanced messaging services. Many of these petitioners, including Metriplex, have submitted perfunctory requests evidencing little effort or innovation. In filing this Opposition, Mtel urges the Commission to avoid expending time and resources contemplating the less substantial requests. The Commission should dismiss Metriplex's proposal because it does not merit the extraordinary relief represented by grant of a pioneer's preference.

II. DESCRIPTION OF HYBRID DATA NETWORK WITH ACKNOWLEDGEMENT PAGING.

Metriplex seeks an unspecified amount of spectrum in the 930-931 MHz band for a nationwide paging service that will allow the user to verify receipt of a message by means of an acknowledgement signal.³ The response would be returned from a low-power data receiver/acknowledgement transmitter. Each

² NWN will use innovative enhanced modulation techniques and an innovative advanced dynamic frequency management scheme to provide highly efficient, two-way messaging capabilities for laptop, palmtop, and other portable computing devices.

³ Metriplex Request at 2.

HDNAP would require two channels -- a forward channel for data and paging, and a back channel for acknowledgements.⁴ Metriplex requests 500 kHz spacing between each pair of channels.⁵ It states that it has developed in its laboratory a prototype of the receiver/"ack" transmitter,⁶ and is preparing applications for experimental licenses to test the prototype hardware and software.⁷

III. METRIPLEX HAS FAILED TO COMPLY WITH THE COMMISSION'S REQUIREMENTS.

A. Lack of a Technical Feasibility Showing

Section 1.402(a) of the Rules states that a party seeking a pioneer's preference "must accompany its preference request with either a demonstration of the technical feasibility of the new service or technology, or an experimental license application, unless an experimental license application has previously been filed" Metriplex has failed to comply with this requirement.

As an initial matter, Metriplex provides no studies or engineering reports to support the viability of the HDNAP proposal. It simply asserts that "laboratory testing has

⁴ Id. at 20.

⁵ Id.

⁶ Id. at 22.

⁷ Id. at 18.

progressed sufficiently to establish that the proposed technology is feasible . . ."⁸ This conclusory statement, unsupported by the submission of actual test results, does not enable the kind of rigorous analysis that the Commission has stated will be applied to technical showings.⁹ Moreover, the statement is inconsistent with Metriplex's assertion that several technical challenges "underline the need for extensive testing in real-world conditions to determine optimal design and implementation if the systems are to be successful."¹⁰

In the absence of a technical showing, Metriplex's request is non-compliant because it was not accompanied by an application for an experimental license. It is not sufficient that Metriplex is "currently preparing applications for experimental licenses."¹¹ Consequently, the request must be dismissed.

B. Lack of Innovation

The Commission's rules require that pioneer preference requests pertain either to a new service or to a service that, "by use of innovative technology, will substantially

⁸ Id. at 22.

⁹ Pioneer Preference Reconsideration Order, 7 FCC Rcd 1808, 1809 (1992).

¹⁰ Metriplex Request at 11.

¹¹ Id. at 18.

enhance an existing service . . ."12 Metriplex's proposed HDNAP service does not satisfy this requirement.

Despite its name, HDNAP is nothing more than conventional nationwide paging with an acknowledgement capability. The addition of this capability cannot be considered a "substantial enhancement." Given the overwhelming prevalence of numeric pagers, even though alphanumeric models are available, there is little reason to believe that many subscribers would want to purchase new units simply to obtain the acknowledgement option. Indeed, Metriplex offers no demand estimates whatsoever to show that the service would be favorably viewed in the market place. In light of Metriplex's failure to provide evidence of the service's utility, it does not deserve grant of a preference.¹³

¹² 47 C.F.R. § 1.402(a) (1991).

¹³ In opposing Metriplex's request, Mtel does not take a position on whether the HDNAP is deserving of spectrum.

IV. CONCLUSION

For the foregoing reasons, Mtel urges the Commission to dismiss Metriplex's request for a pioneer's preference for the proposed HDNAP service.

Respectfully submitted,

MOBILE TELECOMMUNICATION
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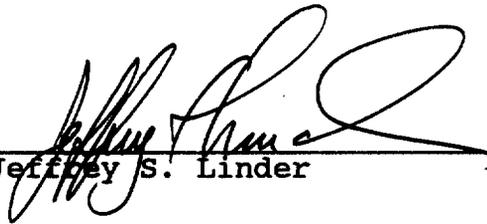
June 19, 1992

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 1992, I caused copies of the foregoing "Opposition" to be mailed via first-class postage prepaid mail to the following:

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