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Federal Communications Commission
Office of the Secretary

Ms. Donna R. Searcy,
Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, DC 20554

RE: PR Docket No. 92-80; RM 7909

Dear Ms. Searcy:

Transmitted herewith for filing in the above-referenced docket on behalf of Indiana Higher Education Telecommunication System, Northeastern University and Trans Video Communications, Inc., are an original and five copies of their "Joint Comments On Notice Of Proposed Rule Making."

Should there be any questions regarding this matter, please communicate with this office.

Very truly yours,

William D. Wallace
(Member of Florida Bar only)

Enclosures

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Federal Communications Commission
Office of the Secretary

DALAGER ENGINEERING COMPANY'S COMMENTS

TO NPRM PR DOCKET NO. 92-80 RM 7909

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I offer the following comments.

While the FCC makes a point that Wireless Cable must be made a viable competitor with traditional cable, it some- times appears to lose sight of the fact that most of Rural America has yet to be reached by traditional cable and desperately needs wireless cable as an alternative to satellite dishes.

The relocation of the place of processing is not nearly as important as the timeliness of initial processing. With the one-day cutoff rule, knowledge of an area being filed on pre- cludes further applications for that area. Given the present state of computer technology and software in the United States today, it should be quite easy to continuously update the FCC data base and also to place on immediate public notice those recent applications which have been received by the FCC. The fact that they are acceptable or not is not as important as the fact that they exist. Without timely information being available to the public, the effectiveness of reducing applications through the use of a one-day filing window is limited.

I have had a certain amount of experience in doing technical work for operating wireless stations and I have found the present interference standards and procedures work very well. We have had 50 watt stations on the air with like channels spaced less than 50 miles apart and have experienced no interference problems. The

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close spacing was necessary to allow more of the public the chance to receive cable-type programming. With strict distance standards, these two stations would not have been allowed to co-exist. While a strict distance standard is easy and allows the use of relatively low skill processors, it has no resemblance to real life where terrain often dictates where stations must be sited in order to best serve the general public. Strict distance requirements give the implication that this country is not technologically advanced enough to calculate interference between sites and thereby use the spectrum in the most efficient manner.

To speed processing I would suggest that new applications located more than 50 miles from an existing application or license be given 'fast-track processing privileges' while those under 50 miles be processed at normal speed. This gives an incentive to applicants to space their sites far enough apart so that the FCC is not forced to do extensive scrutinization of the interference analysis of every application.

Another suggestion to allow for a simplified interference analysis would be to eliminate the requirement for an interference analysis with lottery losers. Once a selection has been made in a lottery, the Commission should consider immediately and automatically dismissing all lottery losers and removing their names from the data base.

In order to make the best use of the ITFS spectrum, adherence to the 45 db desired-to-undesired signal ratios for co-channel and 0 db for adjacent channels should be continued. Distance require-

ments would seem to make it even more difficult to acquire the necessary number of channels to build a feasible station. The service requirements of the interference study on the affected ITFS stations would seem to protect all ITFS entities, since they could respond if they felt the interference study was inadequate. The Commission's main responsibility would be to see that service of the interference study actually occurred (just as it now does with certified mail return receipts) and make an interference ruling only in those disputed cases.

Certification as to site availability and legal, technical, and financial qualification would seem to be a waste of valuable time since the Commission would be hard pressed to determine if the statements made by the applicant are true. The issuance of a conditional license with a 60-day time limit to fulfill conditions would seem to meet the same requirements with much less paper work time.

I agree that settlement groups should be disallowed. Often as not they are formed even before the applications are filed and thereby corrupt the lottery process. I cannot imagine if the FCC is serious about getting wireless channels on the air, why they would process one channel MDS applications before the MMDS applications. Channel one and two MDS applications should have the lowest priority in the processing simply because they contribute the least toward building a wireless system.

The FCC suggests using an RSA and MSA assignment system similar to that used for cellular telephone. This may have been a

good method had it been used from the beginning. To start it now would create a chaos from which the industry would likely never recover. Once a station is constructed in a MSA, new applications should be allowed without regard to MSA boundaries as long as interference requirements are met. To allow the original MSA licensee the exclusive right to build throughout the MSA at his convenience would seem to hinder the development of the rural areas adjacent to the MSA.

The Wireless Industry does not need wholesale FCC rule changes to survive or to grow. It needs timely and thoughtful processing of applications under the present system. An up to date database, available to the public, could have prevented many filings which are now worthless but still must be processed. Creating this type of database should be the prime concern of the Commission. Elimination of Settlement Groups would make it alot harder for license mills to quarantee a client's license and consequently they would likely turn out fewer applications. Automated cancellation of lottery losers after a lottery would promote efficiency by cutting the size of the database and reducing the complexity of the interference studies. A thirty day window in which applicants have the right to correct their listing on the database would be a good idea. After that time period, the incorrect listing would lose its standing.

To reiterate, the technical rules governing interference, which are the main rules which have to be followed if multiple systems are to be built across the United States, are presently very workable. Changing them to distance rules simply to expedite

processing denies the public the benefit of the technical expertise available, giving them a second best standard of service. The system of processing is not unworkable or broken it is just overloaded and needs better tools and management. A thousand applications, many of which are similar, means that the Commission is taking in $155,000 in filing fees. This level of income should be sufficient to buy the tools and manpower needed to process the applications in a timely fashion.

John Dalager
Professional Engineer
Dalager Engineering Company