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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

ORIGINAL FILE

In the Matter of	)	
	)	
Amendment of Part 90 of the Commission's Rules Pertaining to End User and Mobile Licensing Information.	)	PR Docket No. 92-78

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

REPLY COMMENTS OF
MANUFACTURERS RADIO FREQUENCY
ADVISORY COMMITTEE, INC.

Manufacturers Radio Frequency Advisory Committee, Inc. ("MRFAC"), by its counsel, hereby submits its reply comments in the above-captioned proceeding.

At the outset MRFAC is pleased to note the strong support among the vast majority of commenters for the proposition that loading data is important to frequency coordination: "Capacity utilization information is extremely important in deciding whether a channel can support additional licensees. Without such information, the coordinator would be unable to properly coordinate applications, and the current coordination process would suffer."[1/]

At the same time, however, it has been suggested that, if the Commission opts to allow the direct filing of mobile modification applications, coordinators should be provided copies

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1/ Comments of PacTel Paging filed June 26, 1992, at 12-13. See also, e.g., comments of the Utilities Telecommunications Council at 6; National Association of Business and Educational Radio at 8-11; and Special Industrial Radio Service Association, Inc. at 8.

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of such filings; alternatively, it is suggested that, if service on coordinators is not required, then coordinators should be exempted from responsibility for any interference that may ensue.[2/]

As stated in its opening Comments, MRFAC urges the Commission to continue the requirement that significant changes in mobile loading be coordinated prior to filing with the Commission. With a relaxation of the triggering event for license modification as proposed, applicants will be relieved of the burden associated with the current Rule's requirement for frequent filings; however, the changes still deemed worthy of license modifications are, by definition, those where there can be a significant impact on spectrum utilization. With U.S. manufacturers investing heavily in radio-based, productivity-improvement equipment, it is more important -- not less -- that land mobile channels be carefully and closely coordinated in order to avoid interference. Dispensing with coordination for even significant mobile loading changes would be a disservice to the needs of manufacturers and others seeking authorization to use channels shared with the Manufacturers Radio Service.

To be sure, requiring service of modification applications on coordinators would provide a form of notification. However, such a procedure is contrary to the basic purpose of frequency coordination which is to avoid problems before they arise -- not after an application has been prepared and submitted to the Licensing Division. Moreover, the costs incurred in entering the

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2/ NABER at 11.

data from such applications and checking to determine the possible impact on other co-channel users/pending applicants would necessarily be borne by coordination applicants -- not the ones actually causing the costs, namely, the modification applicants. Such an arrangement would be patently contrary to the Commission's 20-year effort to preclude cross-subsidies by ensuring that the cost-causer pays his or her own costs.[3/]

Exempting coordinators from responsibility for interference resulting from the direct filing of modification applications is beside the point. Users depend upon coordination to ensure that their channels are not subjected excessive loading and resulting interference. It is no comfort to users to know that their coordinator will not be held liable in the event of destructive interference: It is the user which suffers the true consequences in the form of assembly line shut-downs and lost productivity, for example -- not coordinators. And it is the users for whom the frequency coordination program was adopted -- not the other way around.[4/]

3/ Associated Public Safety Commission Officers, Inc. ("APCO") suggests that coordinators should be able to obtain mobile loading data by electronic means from the Commission's data base without requiring the information to be filed with coordinators in the first instance. Id. at 3. However, as NABER notes, there can be a four-to-twelve week period between the filing and the grant of an application. During this time applications may be coordinated that may impact pending mobile modification applications, or vice versa. Id. at 10. Thus, APCO's suggestion is not viable.

4/ Lastly, MRFAC would add a word regarding the nature of the new standard for the filing of modification applications. Whatever standard is adopted, it should be made clear that standard is cumulative. For example, if MRFAC's proposed 20 (continued...)

For the reasons stated herein, MRFAC urges the Commission to relax the standard for the filing of mobile modification applications, but not dispense with frequency coordination in the case of those mobile modifications for which the new standard requires the filing of an application.

Respectfully submitted,

MANUFACTURERS RADIO FREQUENCY
ADVISORY COMMITTEE, INC.

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4/ (...continued)
percent/100 units standard were adopted, the trigger would be reached whenever the total number of mobiles changes by 20 percent or 100 units, whichever is less, from the number authorized regardless of the number of times that changes may have been made in order to reach the threshold. In other words, the modification requirement does not presume that any one change by itself must equal 20 percent/100 units.