



FCC MAIL SECTION

July 9, 1992

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

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RE: REPLY COMMENTS TO PR DOCKET #92-80

Dear Ms. Searcy:

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Enclosed herein in original and nine (9) copies, are Reply Comments filed by The Richard L. Vega Group, Inc., relative to the Notice of Proposed Rulemaking in PR Docket #92-80 released on May 8, 1992.

Should the Commission have any questions concerning these matters, please contact the undersigned.

Respectfully submitted,

Richard L. Vega

RLV:sp
Enclosures

VIA FEDERAL EXPRESS

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The Richard L. Vega Group

Telecommunications Engineers/Consultants

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FCC MAIL SECTION
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the matter of

RECEIVED BY Docket No. 92-80
RM7909

Amendment of Part 1, 2 and 21)
of the Commission's Rules Governing)
Use of the Frequencies in the 2.1)
and 2.5 GHz Bands)

To: The Commission

REPLY COMMENTS

Richard L. Vega, President, The Richard L. Vega Group, Inc. ("RLV"), a full service telecommunications consulting company which has been providing its professional services to MDS/ITFS clients for over twenty (20) years, herein provides Reply Comments in response to the Notice of Proposed Rule Making, Docket #92-80, released on May 8, 1992.

RLV fully supports the comments submitted by Phase One Communications, Inc. ("Phase One") and requests the Commission consider Phase One's comments as expanded upon by RLV herein.

** On the issue of the relocation of MDS application processing from the Domestic Services Branch, Common Carrier Bureau, to the Private Radio Bureau ("PRB"), RLV believes that the PRB is not adequately familiar with MDS/MMDS to solve its inherent processing problems and, therefore, expedite MDS service to the public. RLV believes that relocation would only serve to extend the current freeze, as well as further

exasperate the application processing issue. Further, if relocation means the adoption of fixed distance separation rules, so PRB can process MDS applications, the relocation would only serve to frustrate application preparation, as well as inhibit a swift service rendering to the public. As detailed elsewhere herein, the interference standard established by the Commission over the years was born from "real world" problems which came to light in the 1970's when a form of a fixed distance separation standard had been previously employed by the Commission.

There can be no expectation that PRB will accelerate processing of MDS applications based on PRB's prior track record dealing with large volumes of applications. RLV points to PRB's "progress" relative to their handling of the filings for the 220 MHz SMR service in May, 1991, and the MAS filings in January, 1992.

** Interference rules were developed mainly by Alex Latker, a Deputy Chief of the Domestic Facilities Branch during the late 1970's. Mr. Latker created Rules which would permit applicants and licensees alike to configure their proposals to minimize the potential for electromagnetic interference between MDS operators in adjacent markets. Markets such as Baltimore and Washington; Los Angeles, Anaheim and San Pedro; San Francisco and Sacramento; etc., all had alleged interference in the 1970's as a result of a system design which was inconsiderate of the existing or new licensee. The

replacement of Mr. Latker's Rules by a distance separation standard will only cause the number of eventual licensees to be less; service to the public will be minimized; and the potential for interference would still exist as long as there are no definitive rules for the design of an adjacent system. RLV strongly believes that the burden of analyzing an interference analysis contained within an application or modification should be shifted to the affected pending applicant, permittee or licensee. RLV believes that the Commission should mandate prior coordination of any new proposal with an adjacent licensee, or pending application, in the same manner which is successfully accomplished in the Point-to-Point Microwave Service, Section 21.100(d), Instructional Television Fixed Service, Section 21.901(d), or the Cellular Radio Service, Section 22.902(d). For years these services have been operating successfully by the prior coordination route. One need only count the number of staff handling the Point-to-Point Microwave applications within the Domestic Services Branch with those assigned to handle the MMDS logjam and compare the results of the two.

CONCLUSIONS

In conclusion, RLV strongly recommends the Commission consider the following:

** Do not relocate MDS to PRB; however, review the effectiveness of the Domestic Facilities Branch's management over the past twelve years, and make personnel changes where they are urgently needed.

** DON'T THROW OUT THE BABY WITH THE BATH WATER! It is not necessary to dismiss all pending applications after the Commission gets its act together. It is necessary, however, to deal with the bulk of the remaining 16,000 + applications received by the FCC in September, 1983. To permit the passage of nine years and let these applications remain unprocessed is not only a waste of the public's resources, but an embarrassment to the Commission. Rules need to be adopted to permit the staff to dismiss all of the pending applications in the lottery pool once the initial Tentative Selectee has been deemed qualified but prior to the issuance of the conditional license.

** Adopt interference coordination procedures similar to 21.100(d). If the applicant fails to coordinate his proposal, the applicant would be subject to a monetary forfeiture in

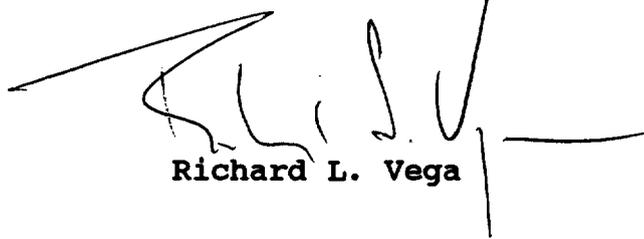
accordance with its Policy Statement dated August 1, 1991.

** Permit the use of one FCC Form 494 regardless of the number of channels being proposed.

** Adopt a single MDS/ITFS database which would be made available to the public.

** Lift the Freeze - it serves no purpose other than to delay service to the public.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard L. Vega', is written over a horizontal line. The signature is stylized and somewhat cursive.

Richard L. Vega