

for Fleet Call, Advanced Communications of Florida and Mobile Radio New England. Another waiver request, filed by CenCall, is currently pending at the Commission. It is likely that additional requests will be filed in the near future.

In smaller areas, the Innovator Block proposal should provide sufficient incentive to ensure that a high technology system will be constructed. However, there are urban areas where all of the SMR spectrum has been assigned (and therefore the Innovator proposal would not apply) and where existing operators do not have sufficient loading to achieve aggregate loading. Such operators have constructed wide-area systems and serve a significant customer base. In such areas, it will be difficult to change over to high technology systems because the systems do not meet aggregate loading tests, but channels are not available for Innovator Blocks. Thus, there is a danger of creating a user environment where digital, wide-area systems are in place in large metropolitan areas and smaller urban areas, with no digital systems in medium-sized markets. In order to correct this anomaly, NABER suggests that the Commission carefully consider applications for construction and loading waivers from applicants which are willing to expend the considerable finances necessary to convert their systems to higher technology use.

In addition, the Commission should utilize this proceeding to amend Section 90.627(b) of its Rules (the "40 Mile Rule"). As the overwhelming majority of trunked SMR spectrum in the major urban areas has now been licensed, placed under management agreement

where necessary, and constructed, it would appear that the 40 mile rule is no longer necessary. Therefore, NABER suggests that the 40 mile rule be changed from a "loading" rule to a "construction" rule. In other words, a licensee would be prohibited from acquiring a license for a trunked SMR system when it already has a license for a trunked SMR system within 40 miles which is not constructed. The construction rule should prevent most spectrum hoarding, as a licensee will need to continue to construct systems (at a substantial expense) in order to acquire additional spectrum. However, changing the rule to one of construction and not loading will permit operators of wide-area systems to convert their systems in an orderly manner to a higher technology system.<sup>19</sup>

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<sup>19</sup>NABER continues to believe that the rule continues to serve a vital purpose to prevent warehousing of these channels which have been allocated to the various services and are still available in numerous markets.

III. CONCLUSION

WHEREFORE, the National Association of Business and Educational Radio, Inc. respectfully requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

**NATIONAL ASSOCIATION FOR BUSINESS  
AND EDUCATIONAL RADIO, INC.**

By: David E. Weisman  
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Date: July 17, 1992

**CERTIFICATE OF SERVICE**

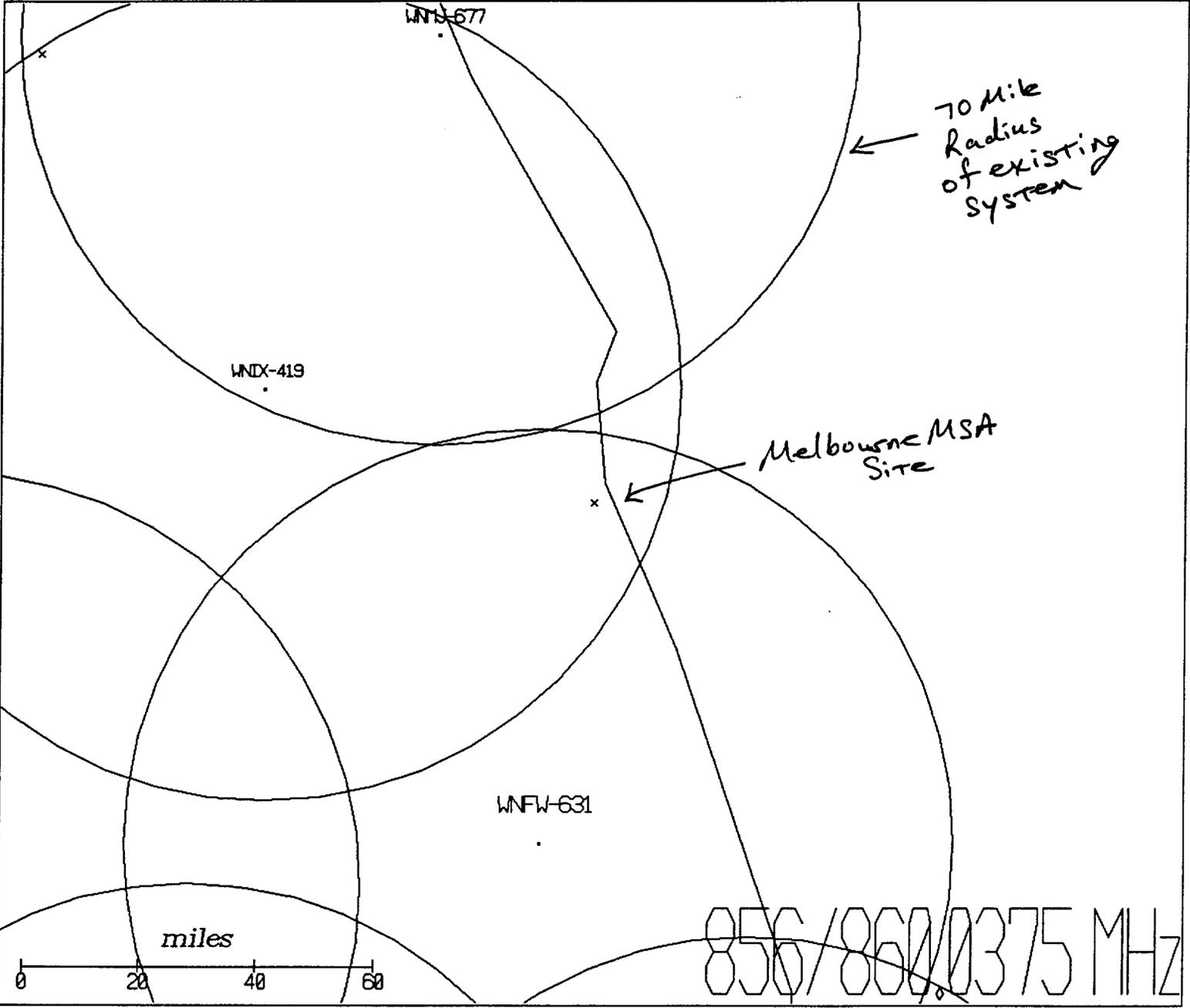
I, Ruth A. Buchanan, a secretary in the law offices of Meyer, Faller, Weisman & Rosenberg, P.C. hereby certify that I have on this 17th day of July, 1992 sent via first class mail, postage prepaid, a copy of the foregoing "Comments" to the following:

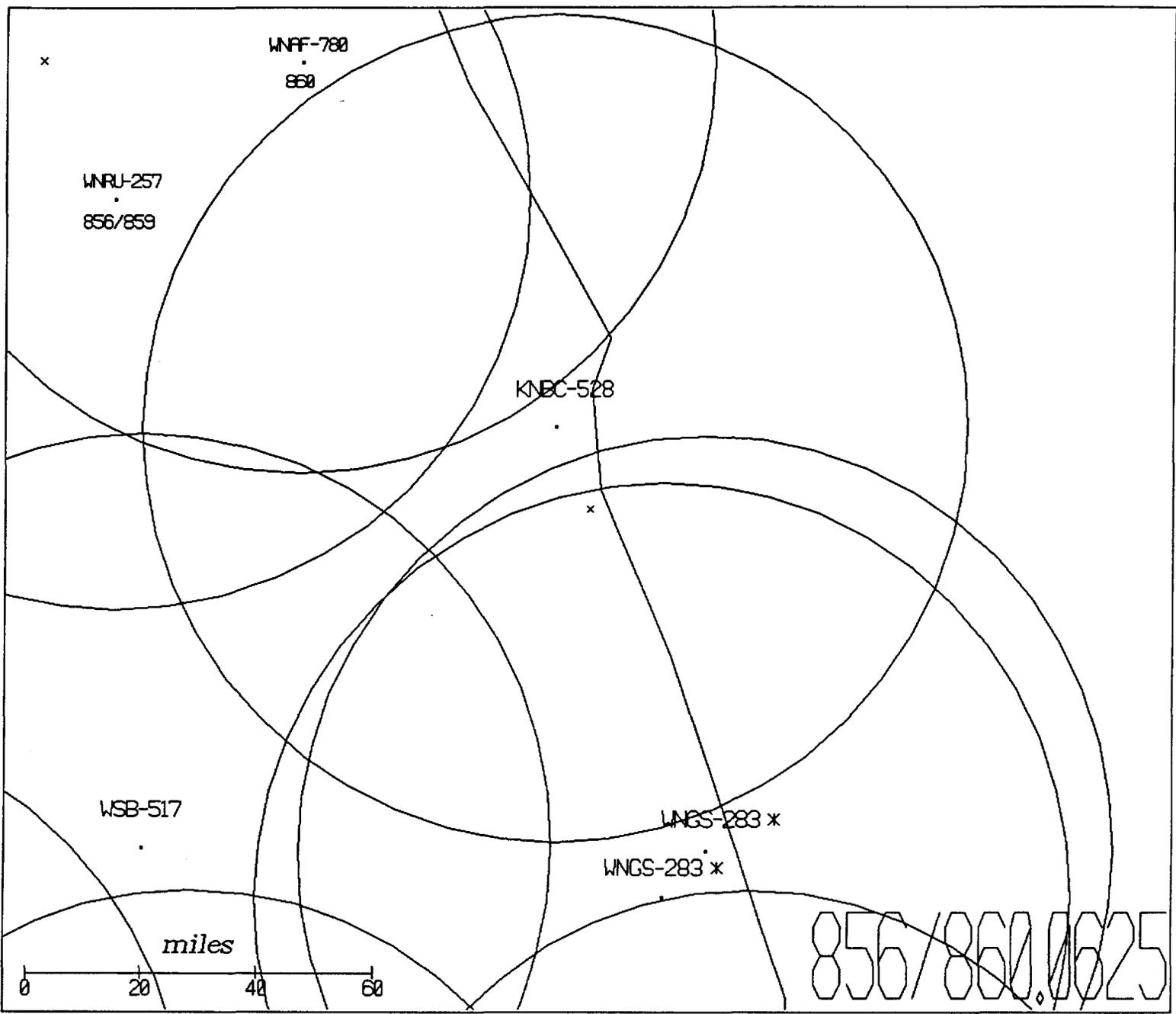
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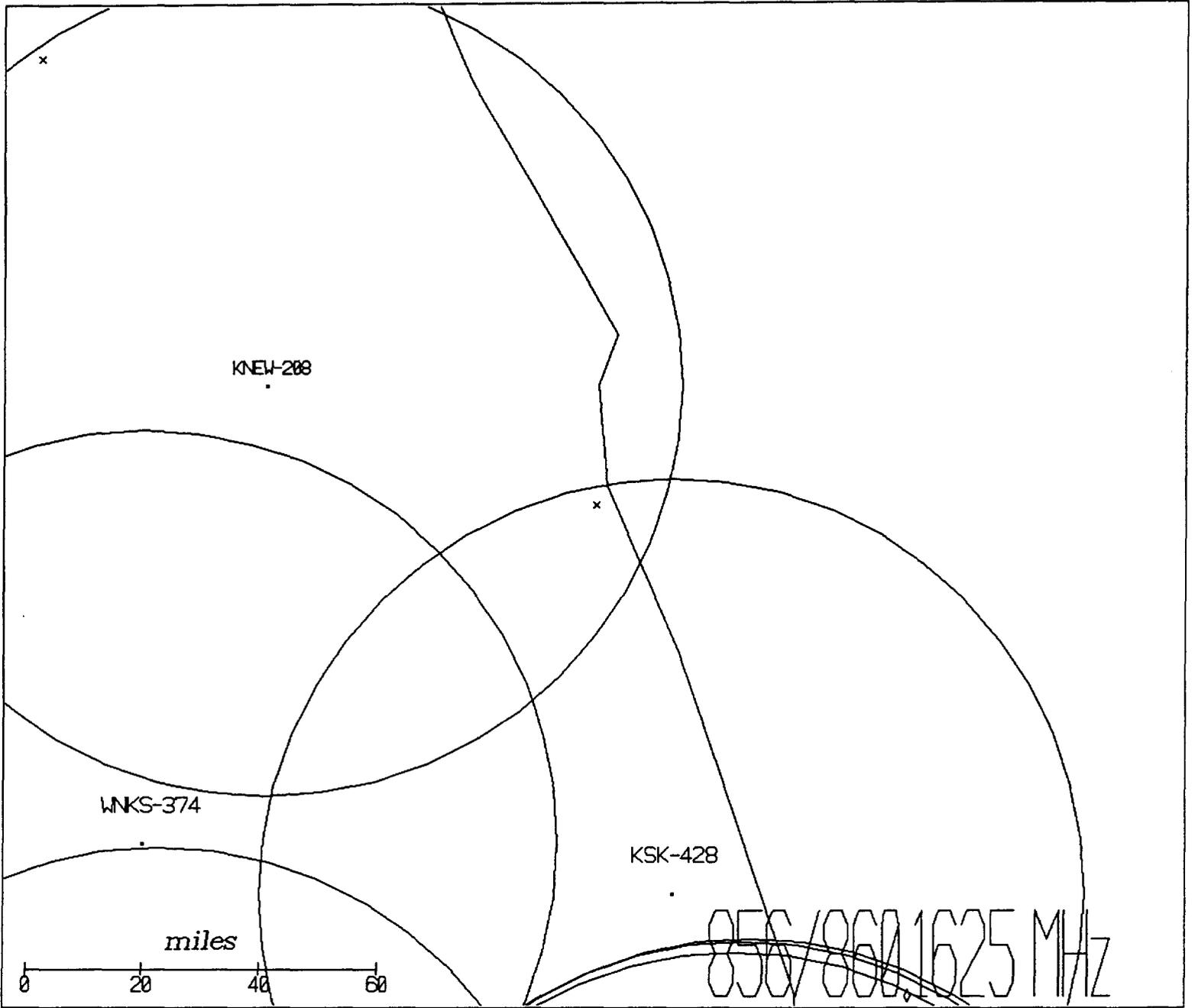
  
Ruth A. Buchanan

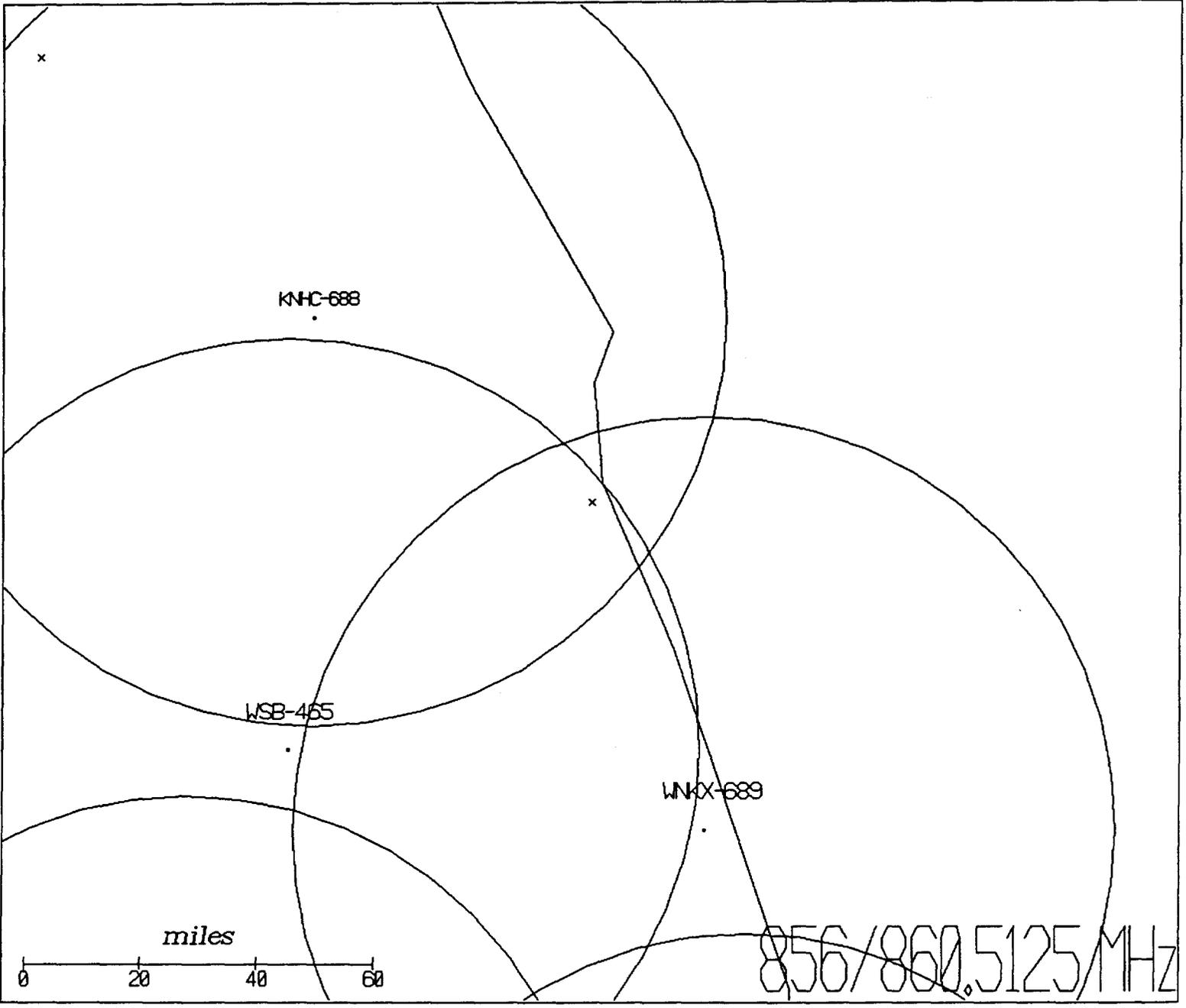
EXHIBIT 1

**Melbourne, Florida MSA Site**  
**With 70 Mile Radius Circles For Co-Channel Licensees**









KNC-688

WSB-465

WNKX-689

miles

0 20 40 60

856/860.5125/MHZ



WNDX-323

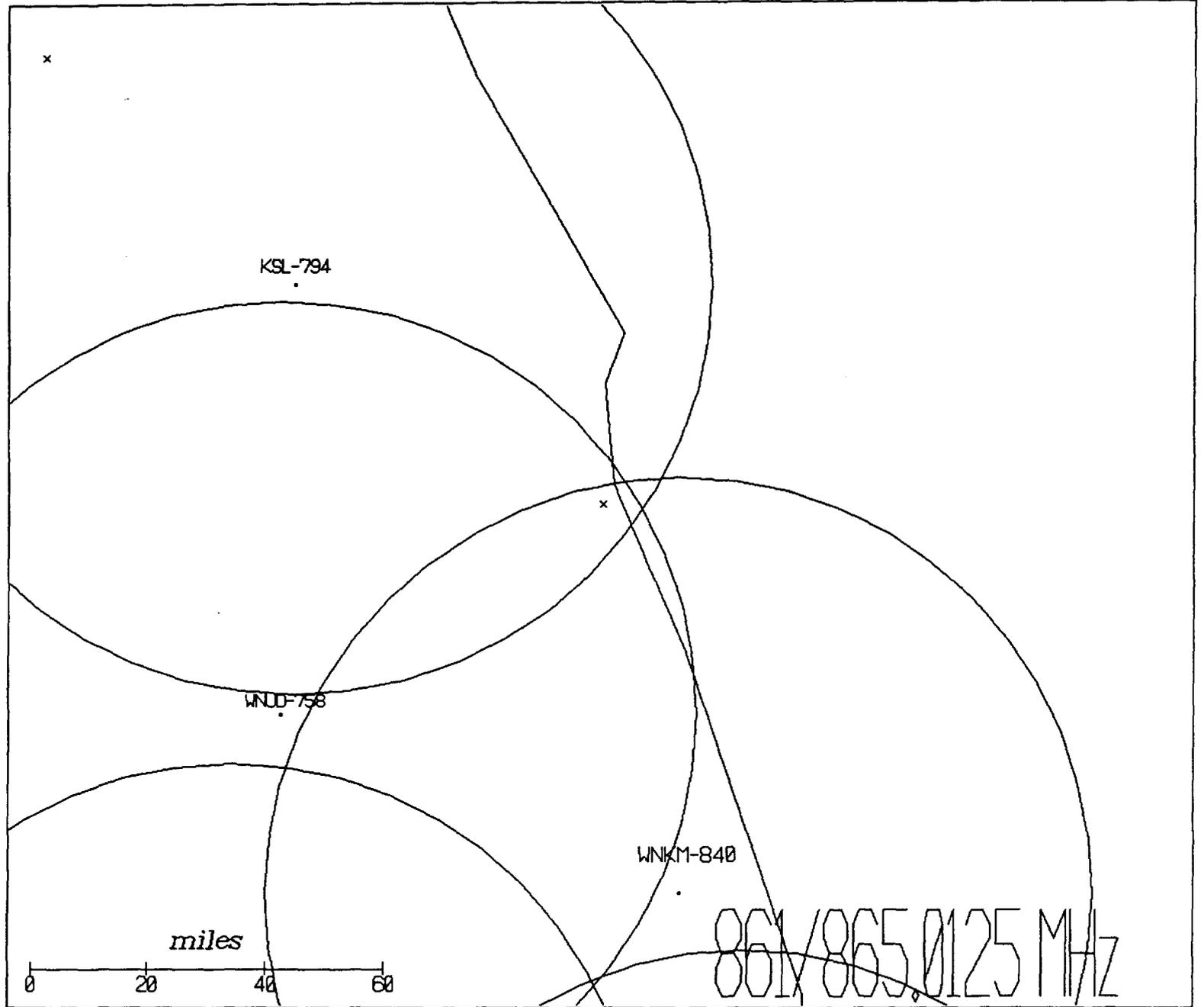
WNDX-403

WNKX-685

miles

0 20 40 60

850/860-6875 MHz



KSL-794

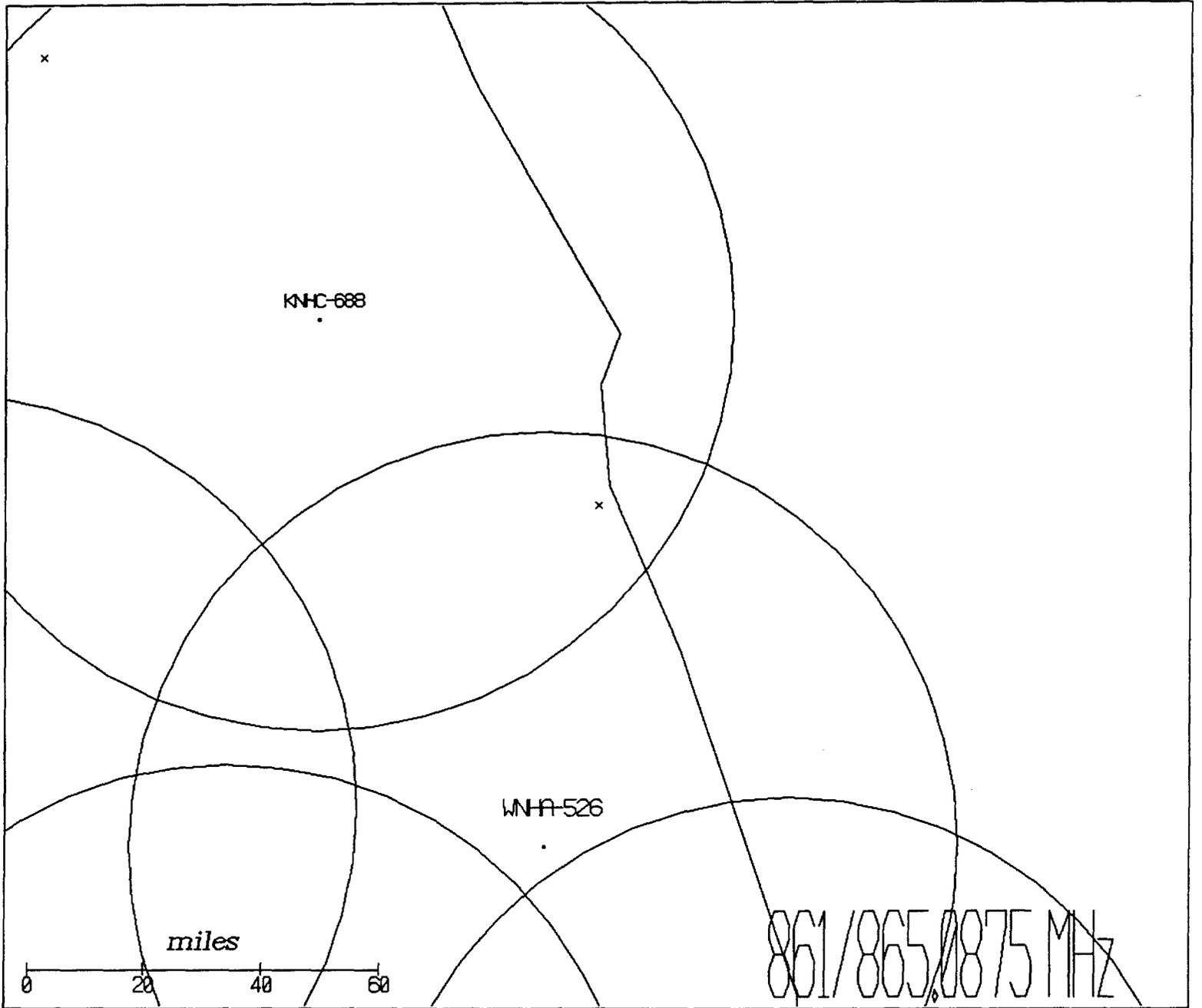
WND-758

WNKM-840

miles

0 20 40 60

861/865.0125 MHz



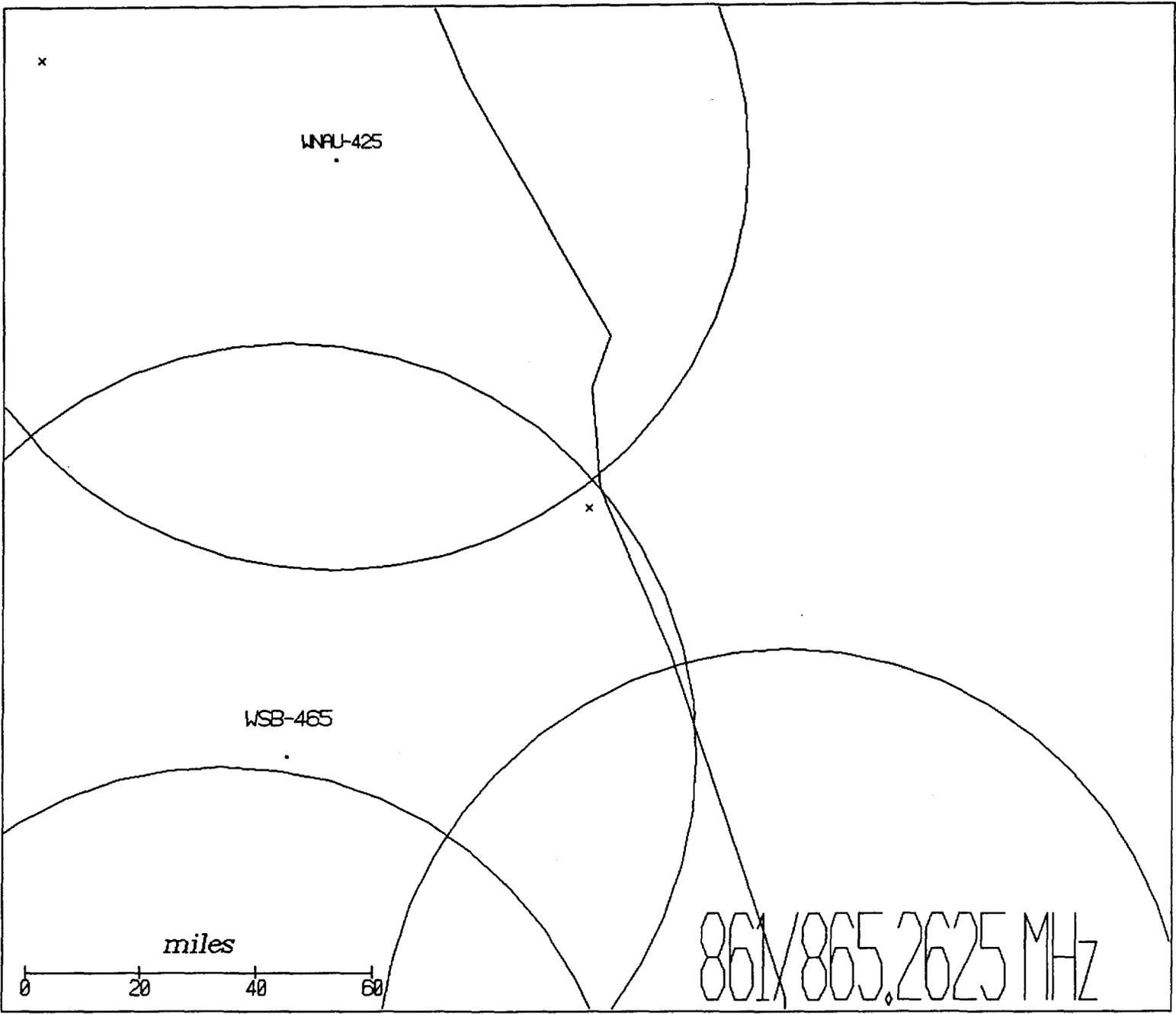
KNC-688

WHP-526

miles

0 20 40 60

861/865/875 MHz



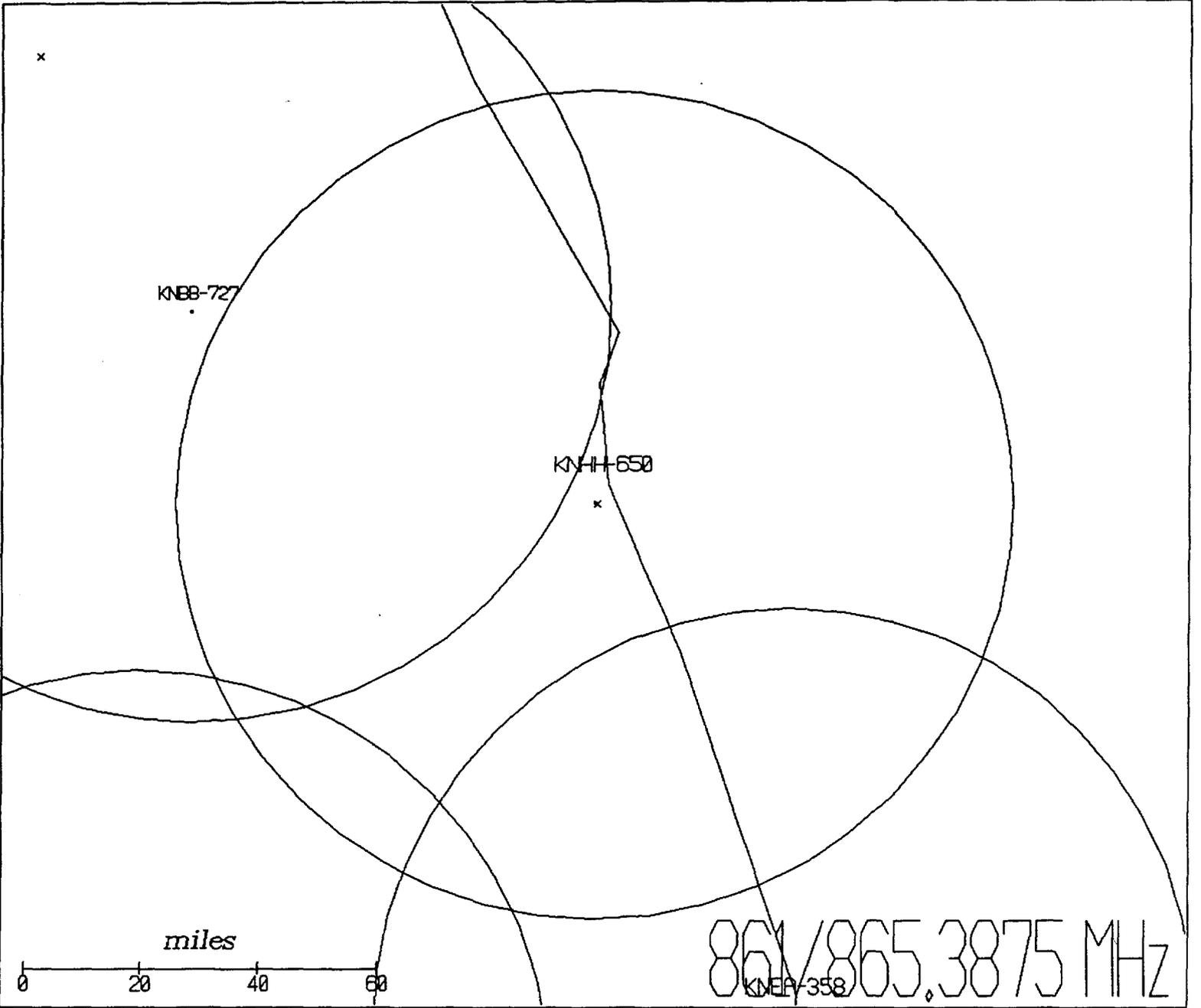
WFAU-425

WSB-465

miles

0 20 40 60

861/865.2625 MHz



x  
KNHO-768

x  
WNMJ-685

miles

0 20 40 60

801/865.5125 MHz



KNCZ-264

WNBH-460

miles

0 20 40 60

861/865.6125 MHz

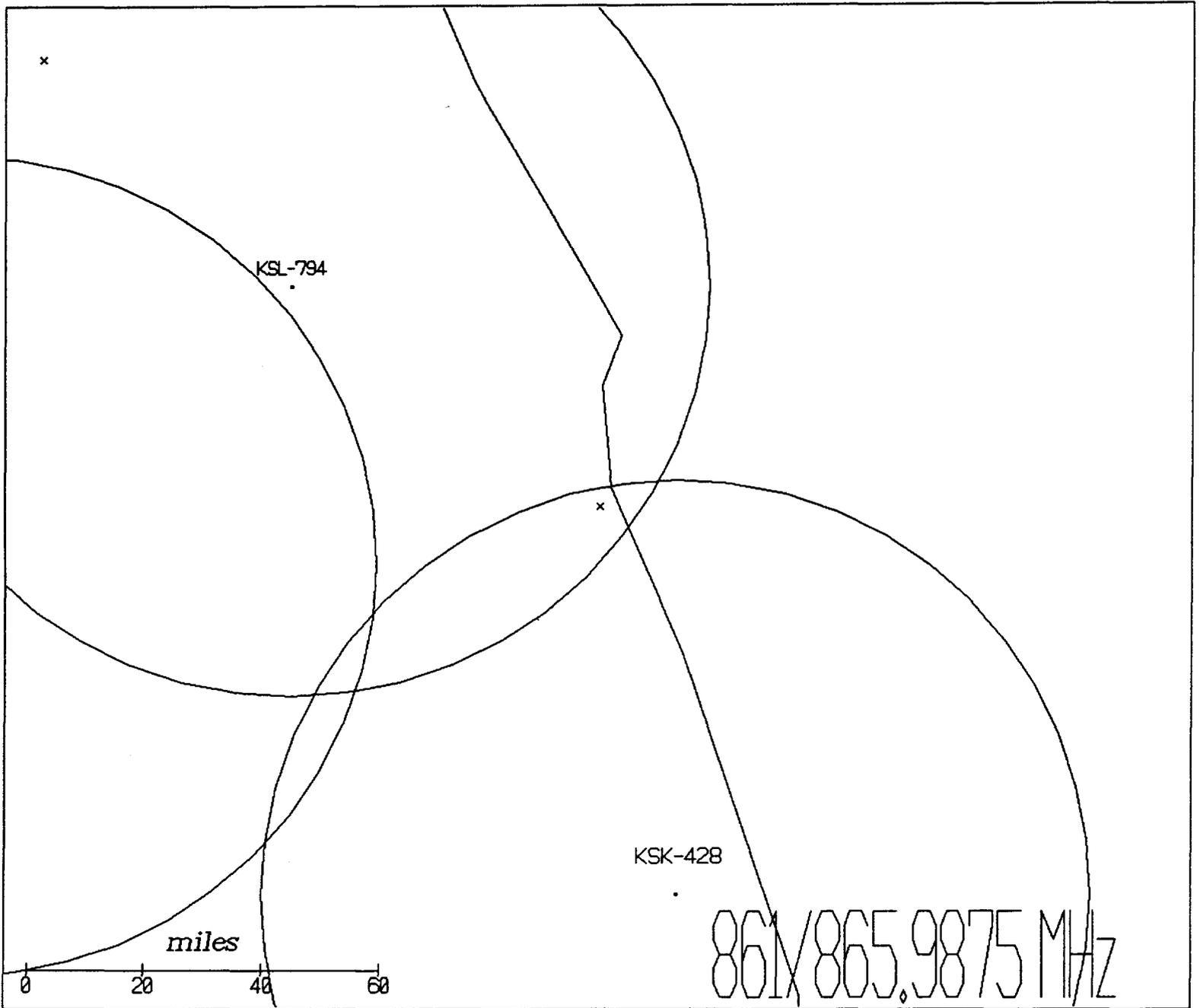
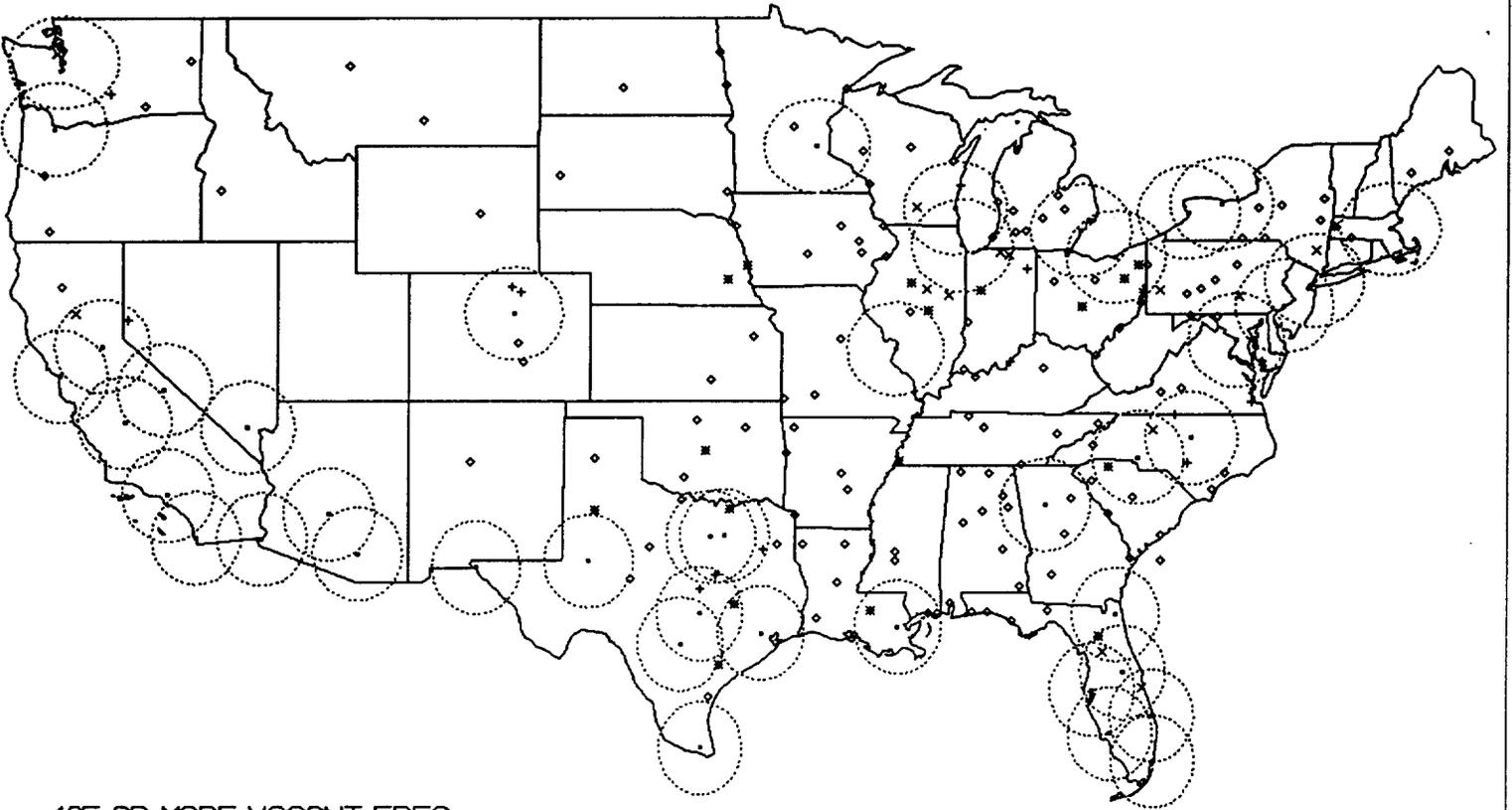
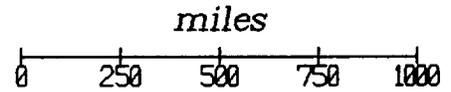


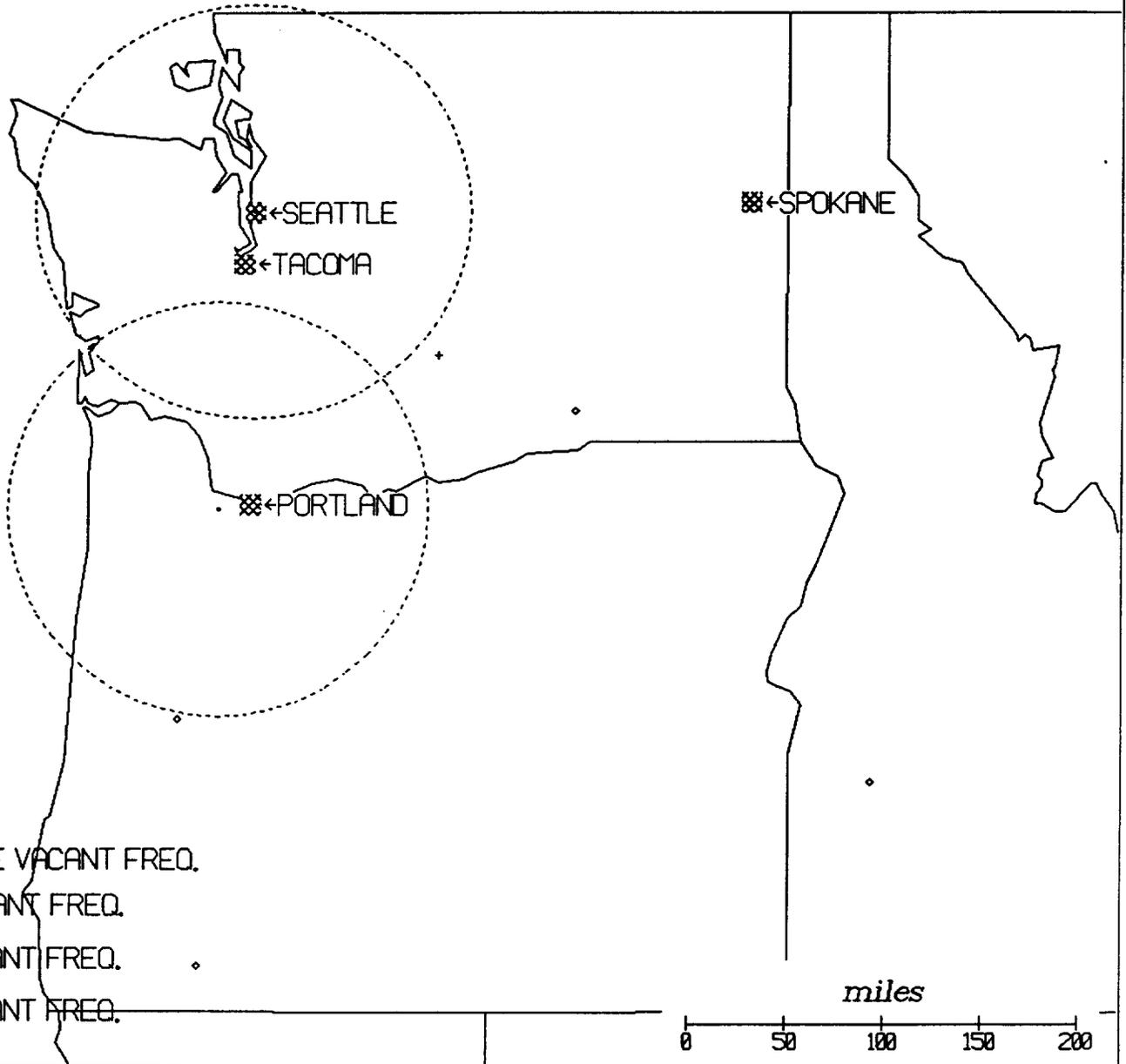
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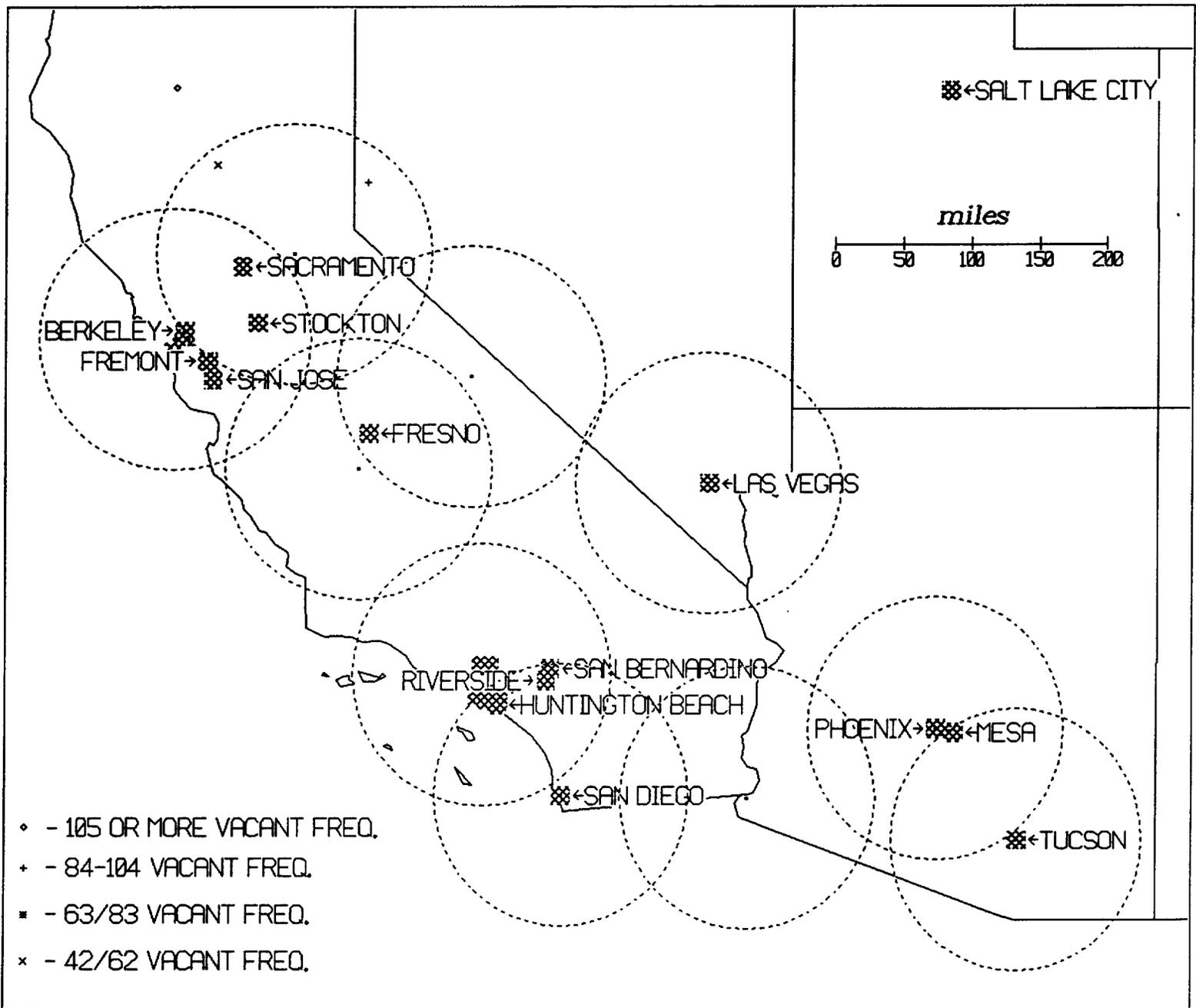
# MSA'S IDENTIFIED IN FLEET CALL PETITION

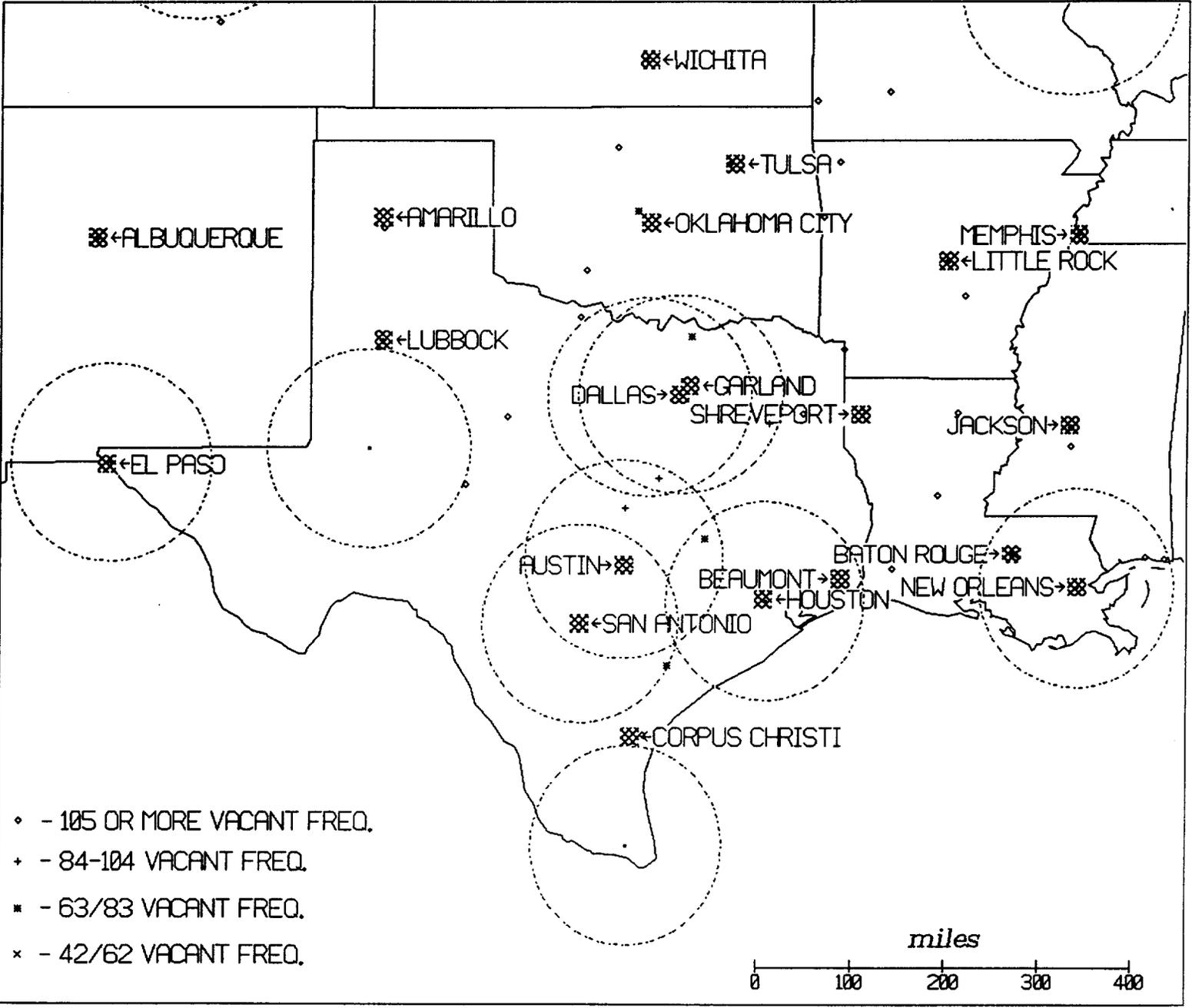


- ◆ - 105 OR MORE VACANT FREQ.
- + - 84-104 VACANT FREQ.
- \* - 63/83 VACANT FREQ.
- x - 42/62 VACANT FREQ.









⊠←WICHITA

⊠←TULSA♦

⊠←ALBUQUERQUE

⊠←AMARILLO

⊠←OKLAHOMA CITY

MEMPHIS→⊠  
 ⊠←LITTLE ROCK

⊠←LUBBOCK

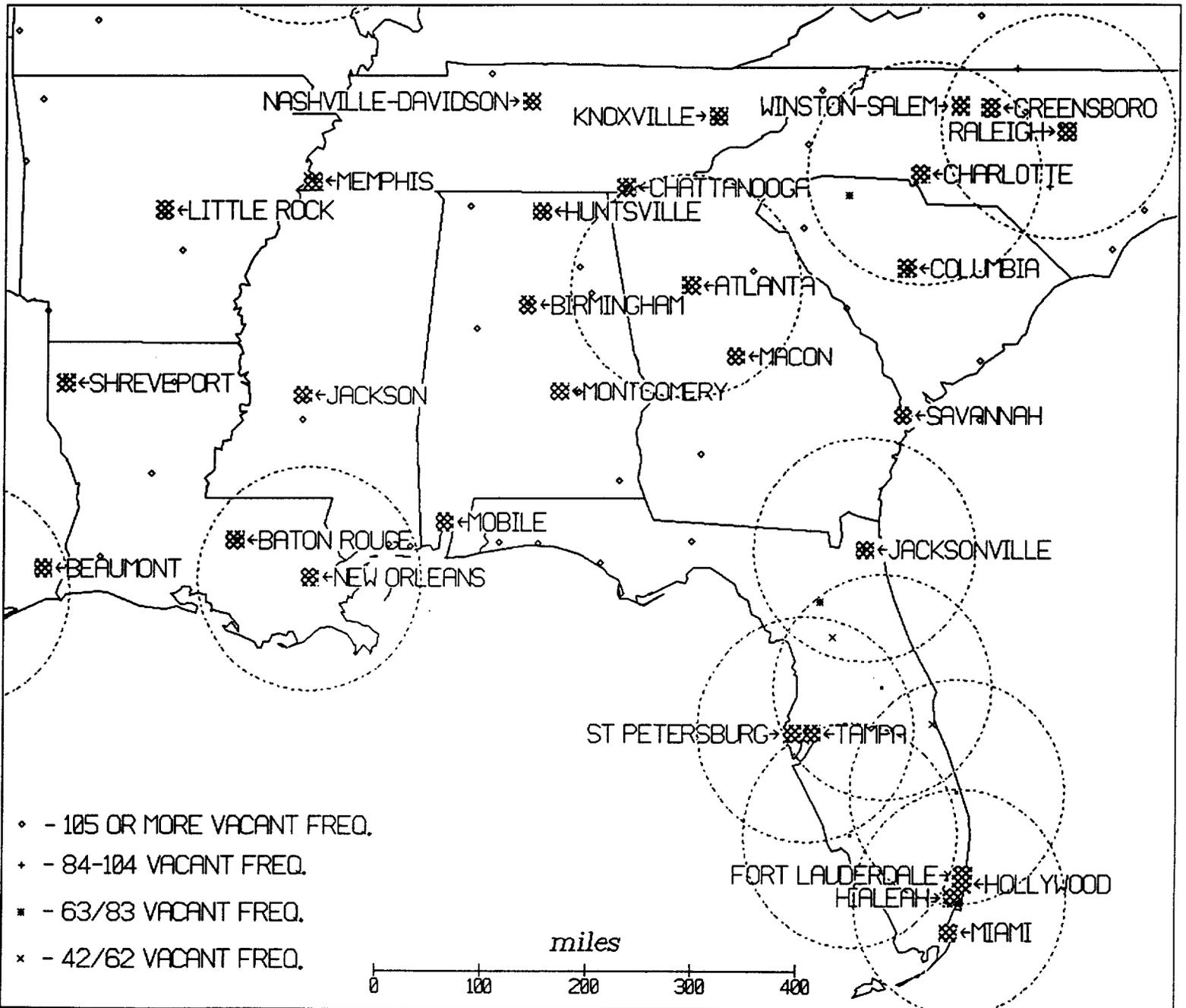
DALLAS→⊠←GARLAND  
 SHREVEPORT→⊠

JACKSON→⊠

⊠←EL PASO

AUSTIN→⊠  
 BEAUMONT→⊠  
 ⊠←SAN ANTONIO  
 BATON ROUGE→⊠  
 ⊠←HOUSTON  
 NEW ORLEANS→⊠

⊠←CORPUS CHRISTI



NASHVILLE-DAVIDSON → ❏

KNOXVILLE → ❏

WINSTON-SALEM → ❏

❏ ← GREENSBORO

RALEIGH → ❏

❏ ← MEMPHIS

❏ ← CHATTANOOGA

❏ ← CHARLOTTE

❏ ← LITTLE ROCK

❏ ← HUNTSVILLE

❏ ← COLUMBIA

❏ ← ATLANTA

❏ ← BIRMINGHAM

❏ ← MACON

❏ ← SHREVEPORT

❏ ← JACKSON

❏ ← MONTGOMERY

❏ ← SAVANNAH

❏ ← MOBILE

❏ ← BATON ROUGE

❏ ← JACKSONVILLE

❏ ← BEAUMONT

❏ ← NEW ORLEANS

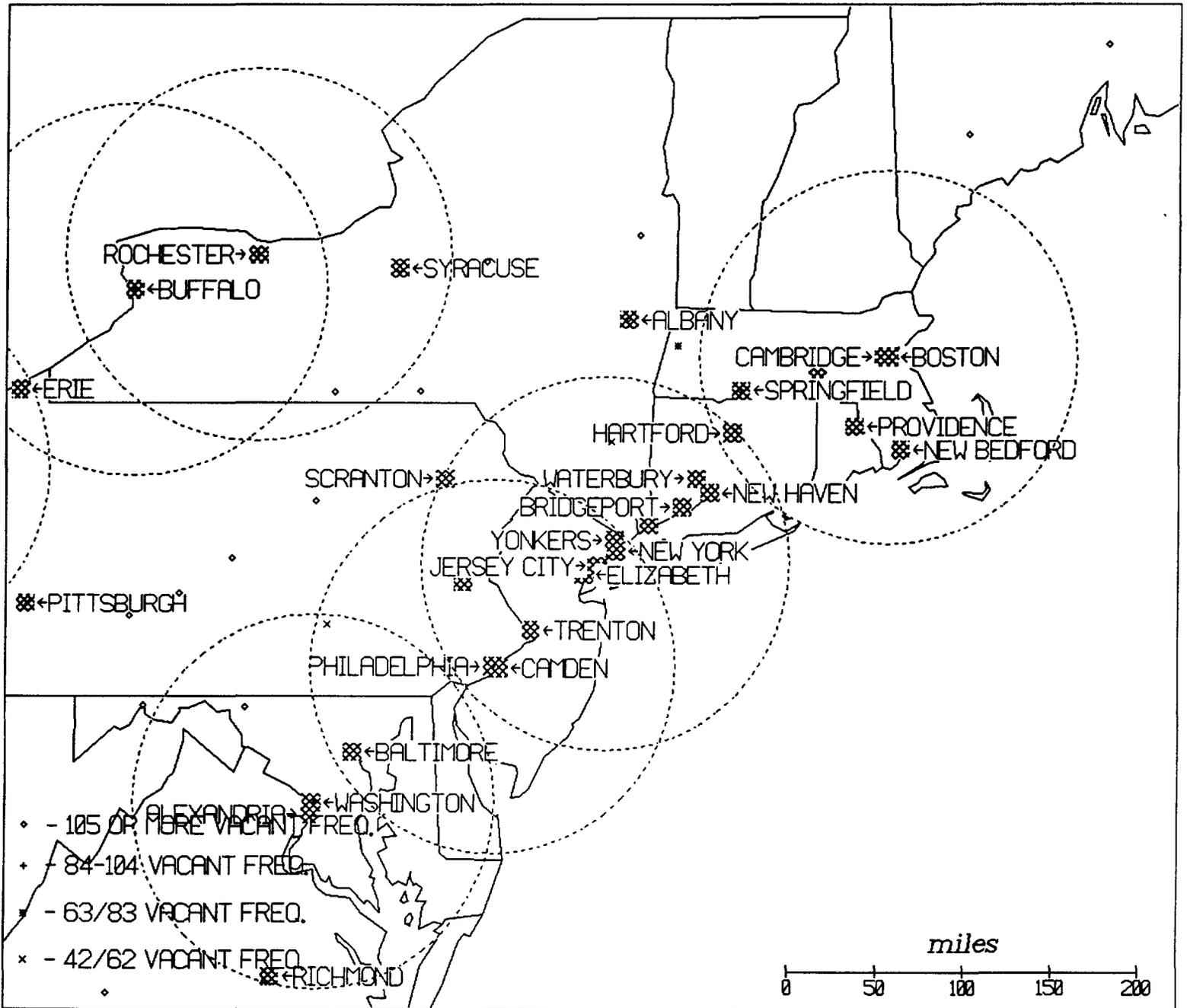
ST PETERSBURG → ❏ ❏ ← TAMPA

FORT LAUDERDALE → ❏

HIALEAH → ❏

❏ ← HOLLYWOOD

❏ ← MIAMI



ROCHESTER →  
← BUFFALO

← SYRACUSE

← ALBANY

CAMBRIDGE → ← BOSTON

← SPRINGFIELD

HARTFORD →

← PROVIDENCE

← NEW BEDFORD

SCRANTON →

WATERBURY →

← NEW HAVEN

BRIDGEPORT →

YONKERS → ← NEW YORK

JERSEY CITY → ← ELIZABETH

← TRENTON

PHILADELPHIA → ← CAMDEN

← PITTSBURGH

← BALTIMORE

← WASHINGTON

◆ - 105 OR MORE VACANT FREQ.

+ - 84-104 VACANT FREQ.

▲ - 63/83 VACANT FREQ.

× - 42/62 VACANT FREQ.

← RICHMOND

miles

0 50 100 150 200