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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Policies and Rules for Licensing )  
Fallow 800 MHz Specialized )  
Mobile Radio Spectrum Through )  
a Competitive Bidding Process )

RM-7985

To: The Commission

REPLY  
OF THE  
SPECIAL INDUSTRIAL RADIO SERVICE ASSOCIATION, INC.

The Special Industrial Radio Service Association, Inc. (SIRSA), pursuant to Section 1.405(b) of the Rules and Regulations of the Federal Communications Commission (Commission), hereby respectfully submits this reply to the Statements in Support of and Opposition to the Petition for Rule Making filed by Fleet Call, Inc. (Fleet Call) on April 22, 1992.<sup>1/</sup>

<sup>1/</sup> Public Notice, Report No. 1889, Petitions for Rule Making Filed, released May 11, 1992. Order Extending Comment Period, (DA 92-711), RM-7985, adopted June 5, 1992, and released June 9, 1992 (extending the 30-day period for filing of statements to July 17, 1992, and the reply date to August 3, 1992.)

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List A B C D E

## I. BACKGROUND

1. In its Petition for Rule Making, Fleet Call requested the Commission establish so-called "innovator blocks" in markets throughout the United States in which Fleet Call alleged that a significant amount of 800 MHz SMR spectrum lay fallow. Designation of these "innovator blocks," according to Fleet Call, would encourage the development of advanced digital SMR systems in these urban and rural areas. Further, Fleet Call asked the Commission to implement a competitive bidding process, upon receipt of Congressional authority, to assign these "innovator blocks" to interested applicants.

2. SIRSA filed a Statement with the Commission concerning the Fleet Call Petition, and opposed both the adoption of a competitive bidding process in the Private Land Mobile Radio Services, even as a "pilot program," and the establishment of the so-called "innovator blocks." SIRSA agrees with Fleet Call that the current rules governing the licensing and operation of 800/900 MHz systems are antiquated and need revision to provide greater flexibility for current and future licensees. However, Fleet Call's proposals are far too restrictive in terms of technology to be implemented, and could cause more harm than

benefit to the public interest and current and future 800/900 MHz applicants/licenseses.

3. In addition to SIRSA's comments, the Commission received statements from sixteen other parties. The majority of these commenters opposed the adoption of a competitive bidding process in the Private Land Mobile Radio System.<sup>2/</sup> Several parties did not oppose a competitive bidding process, but argued that wireline companies should be permitted to hold authorizations in the SMR service.<sup>3/</sup> SIRSA reiterates its opposition to the imposition of a competitive bidding process in the Private Land Mobile Radio Service, and concurs with the other commenters who also opposed establishment of the competitive bidding process.

4. The "innovator blocks" received mixed reviews. Several commenters, including SIRSA, opposed the establishment of the innovator blocks as being adverse to

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<sup>2/</sup> See Comments of the Telecommunications Industry Association Land Mobile Section, Ericsson Corporation, Idaho Communications Limited Partnership, the Florida SMR Coalition, Express Communications, Inc., the American Petroleum Institute (API), the National Association of Business and Educational Radio, Inc. (NABER), and the American Mobile Telecommunications Association, Inc. (AMTA).

<sup>3/</sup> See Comments of United Mobile Network, Centel Corporation and Bell South Corporation.

the both small SMR operators and non-SMR spectrum users.<sup>4/</sup> However, two parties, AMTA and NABER, each supported the proposal, but with significant modifications. Each recommended modification to the Fleet Call scheme involves utilization of General Category channels. Because SIRSA is involved in the coordination of these channels, SIRSA takes this opportunity to respond to these alternative proposals.

## II. REPLY

5. AMTA, similar to NABER and other commenters, takes issue with the frequency availability that Fleet Call asserts exists in the various MSAs and RSAs. Nevertheless, AMTA supports Fleet Call's proposal to create innovator blocks so long as (1) the identified MSA is wholly or partially outside all 100-mile wait list areas identified in the Commission's quarterly Public Notice that list the wait-list areas, and (2) an applicant seeking assignment of an innovator block need only propose a technology with three times more efficiency than current analog systems. These recommendations do not address the concerns expressed by

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<sup>4/</sup> See Comments of API, the Florida SMR Coalition, and Idaho Communications, L.P.

SIRSA in its comments, and therefore SIRSA cannot support AMTA's alternate proposal.

6. Further, AMTA supported a limited freeze on applications seeking assignment of potential innovator block frequencies. This support is conditioned on the Commission's limiting innovator blocks to areas outside the 100-mile radius of wait list areas, and the concurrent amendment of the Commission's rules to permit access to the General Category channels by both existing and new SMR applicants similar to the current rules governing SMR channels. AMTA envisions the assignment of five channel blocks to establish new SMR systems and to expand existing systems, but only after all non-innovator block SMR frequencies are assigned.

7. The General Category channels were initially authorized for conventional use. The Commission amended its rules to permit these channels to be trunked to expand existing trunked systems or to permit existing conventional systems to be combined to form a trunked system.<sup>5/</sup> The Commission expressly declined to permit the unassigned

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<sup>5/</sup> Report and Order, Trunking in the Private Land Mobile Radio Services for More Effective and Efficient Use of the Spectrum, 5 FCC Rcd 4016 (1990).

General Category channels to be granted to create new trunked systems.<sup>6/</sup> The amended rules provide an opportunity for spectrum efficient use of these channels. AMTA now asks the Commission to reverse its decision, and permit the licensing of these channels to create new SMR systems at the exclusion of other non-SMR trunked systems.

8. SIRSA is unable to support AMTA's proposal because this proposal reduces the number of channels available for conventional use and for expansion of Industrial/Land Transportation trunked systems when the channels allocated to this service pool are depleted in a geographic area. AMTA proposal gives precedent for assignment of these channels to SMR concerns while reserving a substantial portion of spectrum allocated to SMR use for "innovator block" purposes. The SMR service is currently allocated a greater number of channels in the 800 MHz band than individually to each of the other three service pools. Allocating an even greater number of channels for consumption by the SMR operator is not in the public interest, and such a proposal should not be endorsed by the Commission.

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<sup>6/</sup> Id. at 4022.

9. Similarly, NABER supports the creation of "innovator blocks," but from General Category channels rather than the SMR service pool channels. NABER asserts there are more General Category channels available in the areas identified by Fleet Call than the SMR channels. NABER contends that establishment of innovator blocks of no more than 42 channels in the various MSAs and RSAs using General Category channels would not adversely affect either existing or future SMR licensees or the non-SMR licensees/applicants.

10. Again, SIRSA takes serious issue with the premise that innovator blocks need to be created, and does not support NABER's alternate proposal. A wholesale allocation of General Category channels for SMR purposes is not in the public interest, and SIRSA urges the Commission to carefully consider further allocation of spectrum to SMR concerns, especially to promote a non-competitive licensing scheme.

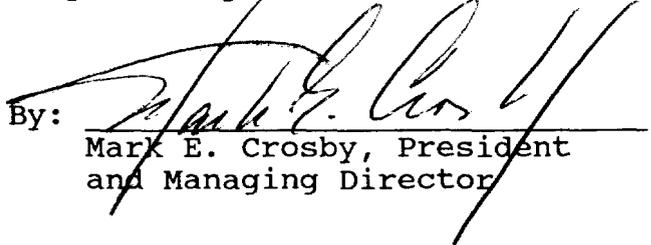
### **III. CONCLUSION**

11. SIRSA urges the Commission to consider a complete review of the current rules governing the licensing and operation of 800/900 MHz systems and adopt of rules that reflect the current and future technologies that can be

utilized in the 800/900 MHz band. The proposals set forth by Fleet Call, AMTA, and NABER do not provide sufficient protection and flexibility to all licensees/applicants in this band, and should not be used as a basis to propose revision of the 800/900 MHz rules. The proposed rules should provide equal treatment to all 800/900 MHz eligibles, not just SMR operators.

**WHEREFORE, THE PREMISES CONSIDERED,** the Special Industrial Radio Service Association, Inc. respectfully requests the Federal Commission to dismiss the Petition for Rule Making filed by Fleet Call, Inc.

Respectfully submitted,

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Dated: August 3, 1992

**CERTIFICATE OF SERVICE**

I, Terri Clegg Thomas, a secretary at the law firm of Keller and Heckman, hereby certify that I forwarded on August 3, 1992, the following persons a copy of the aforesaid Reply by first-class mail, postage pre-paid:

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