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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

NO MAIL BRANCH
Rm 7760

RE: Pending Petition for Rulemaking
filed by FAX-MAX Services
for Public Facsimile Broadcast
Service
CHANGE OF NAME OF PETITIONER

To: THE COMMISSION

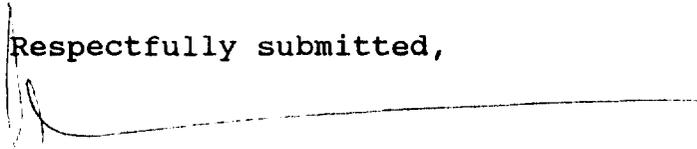
The undersigned, d/b/a MAX-FAX Services Company filed a petition for rulemaking with the Commission to create a new radio service at 930 MHz which would permit broadcasting of Facsimile material to receivers attached to regular FAX machines. That petition has not yet been acted upon by the Commission's staff.

A problem has arisen in that the name I chose for the venture partially incorporated a registered trademark, and therefore cannot be used as the basis of a corporate name in New York State.

In light of this determination, I hereby request that the Commission amend my PRM to reflect a change of name from MAX-FAX SERVICES CO. to EDWARDS/MONTAUK TELECOMMUNICATIONS CORPORATION. This name change will permit me to incorporate the venture without further ado.

I realize, of course, that this amendment would be moot should the Commission fail to accept the petition as filed.

Respectfully submitted,


Matt Edwards

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RM 7260

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OFFICE OF THE SECRETARY

RM JUN 06 1991

MAIL BRANCH

In the matter of

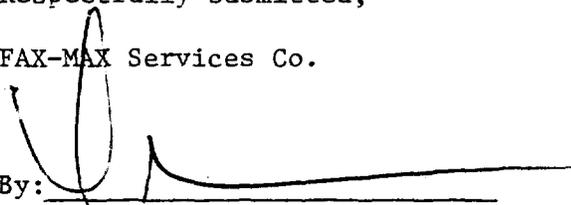
Creation of a new Radio Service)
"Public Facsimile Broadcast Service")
and allocation of channels therefor)

TO: The Commission

PETITION FOR RULEMAKING

Respectfully submitted,

FAX-MAX Services Co.

By: 

Matt Edwards, President
Box 2576
Montauk, NY 11954
516 668 1343

May 22, 1991

SUMMARY

FAX-MAX Services Company hereby proposes the creation of a new radio service: the transmission of facsimile messages and programs to a wide audience. Specifically such messages and programs might include constantly updated newspapers (complete with advertising), stock tables, maps of traffic delays, sports scores, and local government notices of interest to the general public.

FAX-MAX believes that a need exists for such a service, and that such a need can only be met by usage of radio.

FAX-MAX Services Company is concurrently filing a application to test this service, and to develop standards for transmission, and to perfect receiving apparatus. Tests will begin this summer.

FAX-MAX's vision of this service is for periodic (30 or 60 minute interval) broadcast to the general public of such programs over radio channels, to receivers which are connected between a FAX machine and the attending phone line.

Because FAX-MAX believes that licensees in this service may want to produce their own material (thus, they might considered broadcasters), and also resell their transmission services to others (as common carriers), the Commission may have to regulate this service as a hybrid broadcast/common carrier service.

It is believed that the millions of FAX machine owners would readily purchase an inexpensive add-on receiver to receive such FAX broadcasts.

FAX-MAX's tests are intended to verify that such a market exists.

FAX-MAX Services Company ("FAX-MAX"), pursuant to Section 1.401(a) of the Commission's rules and regulations (47CFR1.401(a)), respectfully requests that the Commission allocate frequencies for a new radio service, Public Facsimile Broadcast Service ("PFBS"), and promulgate regulations for such a service.

INTRODUCTION

1. FAX-MAX Services Company is a development-stage company formed to promote and develop Facsimile Broadcast transmission and reception systems. A principal of the company, Matt Edwards, has initiated a patent for an adapter which would permit ordinary Group 3 FAX machines to receive broadcasts from stations licensed to this proposed service. The adapter would plug into the RJ-11 phone line socket on a FAX machine (or built into it), and the adapter would contain an RJ-11 female jack to receive the phone line. The adapter would contain a radio receiver operating on an FCC-approved frequency, and would periodically receive FAX broadcasts from a licensed station in this service. During such reception, no telephone FAXes would be received. Similarly, if the telephone circuit were to be in use at the beginning of a PFBS transmission, the adapter would either store such a transmission or miss it altogether.

2. FAX-MAX Services Company believes that a need exists for such a service, and that Commission creation of such a service would require a minimum allocation of scarce spectrum; FAX-MAX believes that no more than three licenses should be granted, with each PFBS channel needing only 25 kHz, since the transmission rate is less than 10Kbaud.

(Group III standards call for a 9600 baud voice grade telephone circuit).

3. FAX-MAX believes that three channels for PFBS could be taken from the 930-931 MHz "high tech" paging reserve not currently assigned. But, we also believe any other group of channels exhibiting similar propagation characteristics could be used. The 900 MHz paging channels held in reserve are attractive on several grounds:

- a) Building penetration is superior because of the short wavelength. Most FAX machines are likely to be in office buildings, at least until a low cost home FAX machine is marketed, so an allocation in this band will permit the use of fewer transmitter sites for satisfactory interior coverage.
- b) 900 MHz paging receivers are now highly refined and inexpensive. The technology could be used to readily deliver PFBS receivers at attractive prices to the public.

4. FAX-MAX believes that the growth of FAX users will create a demand for PFBS-like services. Just as the copy machine revolutionized the office, so will the FAX machine change the ways people receive written and graphic information.

5. The growth of FAX may negatively impact the PSTN network by its sheer volume. If a demand for FAX broadcasts exists, then it will develop no matter what the technology. PFBS offers to provide an alternate means of delivery of such messaging.

6. The nature of the service proposed herein puts it outside the scope of both the Broadcast Bureau, and partially outside the area of regulation of the Common Carrier Section. The hybrid service which we believe PFBS will become, will be analogous to a newspaper. A newspaper carries advertising, generates its own stories and editorials, carries syndicated columns and features, and will for fee carry paid political and advocatorial material. If PFBS were to be bound by traditional broadcast restraints ("fairness" for one) it might get too bogged down in regulatory concerns to become a viable medium.

7. The spectrum needs of PFBS are minimal. However since the service must be in the public interest, and serve as yet another independent voice, FAX-MAX proposes that three (or more) carriers be licensed in each area. We believe that a need exists for a Nationwide set-aside for two such carriers, with one (or more) local service providers).

8. Although the now-vacant 930-931 band seems to us to be ideal for PFBS, the proposal for the creation of this service is frequency-transparent: it could operate in any band which permits building penetration characteristics. One such allocation might be in the air-to-ground band (849-851 MHz or 894-896 MHz), or using vacant PCP paging channels in the 929 MHz band. However, we believe that allocation of "virgin" spectrum is mandatory since a nationwide licensee is proposed. A patchwork of frequencies would not enable low-cost manufacture of receivers.

9. To reduce the number of transmitter sites needed to "cover" a given area, FAX-MAX proposes that PFBS licenses be permitted to operate with up to 3,000 Watts E.R.P. from each location, providing city-grade coverage over large metropolitan areas.

10. FAX-MAX proposes that the following channel assignments, or other channels acceptable to Commission be set aside to PFBS use:

<u>Channel Designator</u>	<u>Center Frequency¹</u>
FAX-1	930.0125
FAX-2	930.0375
FAX-3	930.0625

¹Baud rate shall be limited to 9600 baud.

11. Should the Commission enact regulations to create the PFBS service proposed herein, or a similar service, FAX-MAX Services will promptly file an application to offer such services on a nationwide basis, and also to assert the "pioneer's preference" therefor, should this firm meet the criteria for such a determination.²

12. FAX-MAX Services is filing an application for a Part 5 experimental license to "prove out" the proposed technology, and to determine public acceptance of the proposed service.³

² Under sections 47CFR1.402 and 1.403.

³ Under section 47CFR5.207. The application is being sent to Mellon Bank at Pittsburgh.