

Also in this regard, licensees should be permitted to change emission types without a Form 401 filing as long as the new emission stays within the emission mask and as long as type-accepted transmitters are employed. Where non-standard emissions are utilized, a Form 489 notification would accord information needed to update the Commission's records. Such a change in the proposed rules will foster the implementation of new services with a minimum of delay while maintaining the Commission's vital spectrum management role.

K. Antenna Survey Branch Coordination

Proposed Section 22.115(a)(4) notes that the Federal Aviation Administration will use the 1983 North American Datum as of October 15, 1992, but that until further notice the FCC will use the 1927 Datum.²⁹

Telocator is concerned that the use of two different sets of coordinates for each tower will increase the likelihood of protracted disagreements as to tower locations. It has been the experience of Telocator members that Antenna Survey Branch issues often delay considerably the processing of applications. Accordingly, the coordination of FAA and FCC database information is of particular concern.

Telocator therefore respectfully asks the Commission to clarify how it will facilitate the reconciliation of discrepancies or other problems associated with the use

²⁹ See also Public Notice, DA 92-1188, released Sept. 1, 1992.

of two sets of coordinates. It also should revise Form 401 to allow applicants to indicate which datum is being employed.

Additionally, Section 22.115(a)(2) should be revised to eliminate the need for a sketch when the proposed antenna is top-mounted, even if it does increase the structure height, since this information can be easily communicated without a sketch. Telocator recommends that the Commission explore the possibility of using the approach currently employed on FCC Form 574 which uses illustrative sketches on the form and then asks applicants only to provide needed information regarding the heights of the facilities or antenna.³⁰

L. Pre-Grant Construction

Telocator urges the Commission to clarify in proposed Section 22.143 that applicants may construct most facilities at their own risk after filing their applications. Such a provision would reduce the disparate regulatory burden borne by Part 22 licensees vis-à-vis Part 90 licensees who construct and operate private carrier services directed to the same market without the same limitation. For example, Section 90.159 applicable to private carriers states:

- (a) An applicant for a private land mobile station license utilizing an already authorized facility may operate the radio station(s) for a period of up to 180 days . . . after submitting or filing a formal application . . .

³⁰ The sketches on Form 574 could be included in the instructions to Form 401; a question on the actual form would reference the appropriate sketch. In this way, the length of the form could be minimized.

(b) An applicant proposing to operate a new private land mobile radio station or modify an existing station below 470 MHz or in the one-way paging 929-930 MHz band . . . may operate the proposed station during the pendency of its application for a period of up to 180 days under a conditional permit upon the filing of a properly completed formal application

In addition, the agency should address certain FAA-related inconsistencies associated with prior construction. Currently, the pre-grant construction rule is interpreted as requiring the applicant to obtain painting and lighting specifications from the Antenna Survey Branch even if the facilities are to be placed on an existing tower for which specifications already exist. Section 22.43(d)(3) of the current Rules states:

An applicant may not commence construction prior to the grant of an authorization . . . [unless it has] received a determination from the Commission as to any required antenna structure marking and lighting specifications.

Thus, applicants must often delay construction until the ASB can respond to their requests for information.

This approach contrasts with the rules applied to private carriers as well as the rules applied to common carriers "fill-in" facilities constructed pursuant to Section 22.117(b). Section 22.117(b) allows construction and operation without prior approval and instructs licensees only to submit marking and lighting specifications from Form 715 or 715a if the facilities will be placed on an existing antenna tower.³¹ Thus, the Commission does not require an applicant to obtain information from the ASB in

³¹ 47 C.F.R. § 22.117(b) (1991).

advance as long as the licensee submits the specifications before building the facilities. Telocator recommends that the agency address these inconsistencies by allowing pre-grant construction provided the applicant conforms to existing lighting and marking requirements.

Last, Telocator notes that the current FAA painting and lighting rules do not match precisely those in Part 17 of the FCC's rules. Telocator believes the agency should review this matter consistent with the requirements of the Administrative Procedure Act.

M. Assignment and Transfers

Proposed Section 22.137 states in pertinent part that:

assignments must be completed within 60 days of FCC approval. . . . If the assignment is not completed, the authorization(s) revert to the assignor. . . . Partial assignments must be completed within 60 days of FCC approval. . . . If the assignment is not completed, the authorization(s) revert to the assignor.

Telocator suggests that the Commission revise proposed Section 22.137(b) to provide that consent remains valid for one year after grant. A one year period -- identical to that accorded for construction permits -- will reduce the confusion and pressure associated with obtaining copies of the grant to ascertain the closing deadline and will make it more likely that parties will be able to close on a final order without having to seek an extension of the grant. Participants in such transactions are typically eager to consummate the assignment but need time, particularly for large transactions,

to prepare appropriate documentation and confirm that all records are in order.

Ensuring that the FCC's records are correct is particularly important given the recent increase in forfeitures.

Additionally, the words "revert to" should be stricken from Section 22.137 and replaced with "remain with" since there is no transfer or assignment to reverse if there is no closing.

Finally, the definition of "assignment of authorization" in proposed Section 22.99 should be revised to remove the phrase "transfer of control of the licensee" since this is a separate but related concept. The phrase "see also 'transfer of control'" should be added to the definition.

N. Control Point/Posting

Proposed rule Section 22.325 will direct licensees to have "at least one control point and a person on duty who is in charge of station operation." In addition, proposed Section 22.303 provides:

The current authorization for each station must be retained as a permanent part of the station records. A clearly legible photocopy of the authorization must be available at each regularly attended control point of the station. The station call sign must be clearly and legibly marked on every transmitter, other than mobile transmitters, of the station.

As written, these provisions place substantial additional administrative burdens on radio common carrier operations. Telocator consequently urges the Commission to

clarify its requirements so as not to suggest that it is necessary to have a person "physically" at a control point twenty-four hours a day, but rather to be accessible or "on-call" to control the facilities.³² To that end, Telocator requests clarification as to what constitutes an "on-duty" contact person.

The agency also should allow for the retention of records at only one regularly attended control point. Authorizations now often encompass notifications on Form 489 with attached engineering. Under the new rules, the showings made to determine compliance with the fill-in regulations also are arguably a part of the "current authorization for each station." As such, the authorization can become voluminous. Rather than require licensees to keep a copy at each regularly attended control point, the agency should adopt a less burdensome but equally effective requirement that such authorization be readily produced upon request by an official representative of the FCC. This would allow for central filing of licenses and updates with copies being made available by facsimile to certain control points.

Last, the caption of proposed Section 22.303 should be changed to "Maintenance of Authorizations" to indicate that the authorizations need not be physically "posted." This will reduce the possibility for confusion in the enforcement context.

³² For example, it should be sufficient to provide for notification to a licensee representative in the event of an emergency through telephone answering services and messaging services. Companies currently employ such cost-effective methods with satisfactory results.

O. Public Notices

The Commission has revised Section 22.127 governing the publication of Public Notices to indicate that it will now "periodically" issue such notices. Telocator is concerned that the proposed language suggests a change in the current practice of "weekly" public notices. It therefore asks the Commission to revise this rule to provide for "regular" public notices of both applications accepted for filing and grants.

More importantly, the Commission should give public notice of Form 489 notification filings, whether on the same or different schedule as its notices listing major actions. While Public Notice of Form 489 filings was arguably of less significance in the past,³³ such will not be the case under the proposed revisions to Part 22. The Commission's proposals to implement a first come, first served application process, the conditional licensing scheme, and the finder's preference policy increase substantially the need for licensees to have accurate information on the status of existing facilities that could be offered only by such notices. Licensees seeking to minimize the uncertainties associated with their applications and licenses would rely on such information.

Moreover, a public notice process would not require the expenditure of significant agency resources. The agency's proposal to eliminate the need to file Forms 489 will dramatically reduce the number of such filings. Only the filings

³³ See generally Revision and Update of Part 22 of the Public Mobile Radio Service Rules, 95 F.C.C.2d 769, 794 (1983).

needed to protect stations, such as notifications of construction, a reduction in outer contours, and service discontinuance, would appear on such notices. The agency also will be implementing magnetic media filings that could entirely eliminate the manual processing and preparation of such notices. Accordingly, the advantages of placing such filings on Public Notice will greatly outweigh any disadvantages of doing so.

P. AM Broadcast Antennas

In Section 22.371 the Commission proposes to codify its current procedures aimed at ensuring that construction of cellular towers does not adversely affect the authorized pattern(s) of AM broadcast stations. The Commission also would make this policy clearly applicable to all Part 22 licensees in addition to cellular. Such a rule can help to avoid problems associated with the reradiation of AM signals. Unfortunately, many AM patterns are already likely to suffer from distortion caused by other construction (*e.g.* the construction of power lines and buildings after the AM antenna was built) or a lack of maintenance (*e.g.* missing ground radials and corroded connections). Part 22 licensees should be obligated to correct the problems they cause, but Section 22.371 could be read to impose a burden on such licensees to solve other problems not of their making. The Commission will avoid disputes if it clarifies that Part 22 licensees are responsible for correcting the distortion caused by their construction but do not bear the burden of remedying other problems that distort AM broadcast patterns.

II. PAGING AND MOBILE TELEPHONE ISSUES

A. General

1. Callsign Consolidation

Proposed rule Section 22.507 provides that:

transmitters within a station must be operationally related .
. . . Except for nationwide paging and other operationally
related transmitters, transmitters that are widely separated
geographically are not licensed under a single
authorization.

The Commission indicates that this proposed section is intended to codify its current policy to promote administrative efficiency by (1) ensuring that station files comprise data on operationally related transmitters and (2) preventing particular station files containing the records of stations owned by large or nationwide companies from growing so large as to become unwieldy.³⁴

Telocator believes that the proposed rule could needlessly impose unnecessary burdens upon Commission licensees without meeting its objectives. At the outset, Telocator notes that the agency has not defined what constitutes an "operationally related" transmitter. If it intends this phrase to mean facilities that provide the same service, then Telocator notes that a number of current authorizations list facilities that

³⁴ NPRM, at 3669, Appendix A.

support different systems. Moreover, the FCC currently authorizes many operationally related facilities under different callsigns.

Accordingly, the Commission should not apply this rule retroactively to divest operationally unrelated facilities from particular authorizations. If the agency does expect to apply this requirement retroactively, then at a minimum it should allow licensees an opportunity to request reorganization of their station files to consolidate operationally related facilities currently licensed under different callsigns.

In this respect, proposed Section 22.507 should be revised to explain in greater detail the procedure to be followed to consolidate callsigns whether or not requested in connection with the application of the FCC's new rule. Telocator has asked the agency on several occasions to allow such callsign consolidations to assist the FCC and carriers in meeting their record-keeping responsibilities. Preferably, such filings will be a notification submitted on Form 489 asking the FCC to change its records to reflect which callsigns were consolidated.

2. Elimination of Inner-Site Filings

The NPRM proposes to allow licensees to make certain minor changes to their facilities and to operate additional transmitters without prior Commission approval or notification. Licensees would be required only to maintain accurate up-to-date records of facilities added or modified that could be provided to the Commission upon request.

According to the FCC, this approach will conserve Commission and industry resources.³⁵

Telocator supports the Commission's proposal and offers two additional suggestions. First, Form 489 notifications should still be required when a licensee decreases its outer composite service contour. Such filings will advise competing licensees regarding the interference protection they must afford to co-channel licensees. Otherwise, a competing licensee may observe on public notice that a licensee has discontinued operations that are part of an aggregate outer contour and believe it may file to serve that area. Because it is unaware of the Form 489 "fill-in" contour, the applicant may unnecessarily expend resources to file an application, and the agency may expend unnecessary resources processing the application or a co-channel interference complaint. Requiring such Form 489 filings will avoid this problem.

Second, the Commission should explore the possibility of offering licensees the flexibility to construct sites without prior approval where the interference contour ("IC") and reliable service area contour ("RSAC") of the proposed station are totally surrounded, but not necessarily covered or encompassed, by an IC or RSAC of existing stations. This will allow licensees to offer service to areas within their market area that are not part of their service contour but where no competing licensee or applicant could reasonably file.

³⁵ NPRM, at ¶ 17.

Alternatively, the Commission could allow licensees to file a Form 489 fill-in notification without the prospect of competing applications as long as the fill-in station's interference contour would be within the carrier's existing composite interference contour. This approach would recognize that Commission action on such filings is unnecessary because it is extremely unlikely that any other carrier would or could file to serve the same area.

3. Multichannel Transmitters

Section 22.507 of the rules would require a separate transmitter for every assigned channel at each location. The Commission indicates that this requirement will prohibit a practice among some licensees to install a single multichannel ("channel-agile") transmitter at a site where two or more channels are authorized. It believes that such a practice can result in inefficient use of the spectrum and warehousing.³⁶

As an initial matter, Telocator notes that the agency previously examined this issue in the context of a "Petition for Declaratory Ruling" filed in 1989.³⁷ In that proceeding, the overwhelming number of commentors opposed any prohibition on the use of channel-agile transmitters and aptly demonstrated the benefits of such transmitters. Indeed, the petition was subsequently withdrawn and, thus, there is no need to examine the issue again.

³⁶ NPRM, at 3669, Appendix A.

³⁷ See generally, Request for Declaratory Ruling Regarding the Use of Multiple-Frequency Transmitters Under Part 22 of the Commission's Rules, MSD No. 89-30.

Nevertheless, Telocator emphasizes that there are legitimate uses for channel-agile base station transmitters. As noted in earlier comments on this issue, channel-agile transmitters facilitate the introduction of additional services in the public mobile industry. For example, carriers may use such a transmitter to provide both local and regional, or nationwide paging. The transmitter can be controlled in such a manner that the percentage of time devoted to the local channel and that devoted to the regional or nationwide channel are adjusted to meet their relative loading. As the loading increases, the original transmitter can be dedicated to one of the channels and a second transmitter added for the other.

Similarly, such an arrangement may be used to enhance the variety of services offered by carriers. For example, a carrier with heavy loading of digital-display paging might offer voice or alpha-numeric paging on a second channel. During the introductory stages, this second channel may not be sufficiently loaded so as to necessitate a second transmitter. A channel-agile transmitter would allow the carrier to initiate service to meet relatively light initial demand. Two transmitters would be constructed only when justified by an increase in demand.

Channel-agile transmitters also facilitate the sharing of channels under time-sharing agreements. Such transmitters may be used to increase system efficiencies and thereby reduce costs to subscribers by allowing a carrier waiting for its time slot on a shared channel to use the transmitter for a different channel. Moreover, the use of

such transmitters allows for an increase in geographic coverage by sharing channels with adjacent systems thereby enhancing service to the public over a wider area.³⁸

Adoption of the FCC's proposal also would aggravate the competitive disparities between private and common carriers. Currently, there is no prohibition in Part 90 against 900 MHz and other private carriers -- which compete directly with radio common carriers -- from employing channel-agile base station transmitters for private carrier operations. Therefore, to the extent private carriers use channel-agile base station transmitters for the same purposes as do radio common carriers (e.g., the initiation of new services or different types of services such as local vs. regional paging), the prohibition would place radio common carriers at a disadvantage in the marketplace vis-à-vis private carriers. The Commission should not promote such competitive inequalities, especially when the line between private carrier and radio common carriers continues to blur.

For similar reasons, Telocator also urges the Commission to delete proposed Section 22.375, as it would forbid use of the same transmitter for both Part 90 and Part 22 services. As long as the transmitter is employed to render service to the public, the same considerations that support use of channel-agile transmitters for Part 22 licensees

³⁸ Telocator submits that the agency's concern about spectrum inefficiencies is unwarranted. The paging terminal connected to the transmitter processes and batches subscriber messages and coordinates the transmissions. Until utilization on each channel reaches 50 percent, the carrier can send all subscriber messages with little delay. Therefore, no channel remains unused while traffic is waiting to be sent. Carriers are often able to justify the need for a separate transmitter well before utilization reaches 50 percent on both channels.

support use of such transmitters by those who offer both common carrier and private carrier services.

Telocator shares the Commission's concerns about warehousing. It believes, however, that the agency's objectives can be met without prohibiting the valuable and beneficial uses of channel-agile transmitters. Warehousing can be addressed when appropriate through the enforcement of other rules. For example, the agency considers facilities not operating for 90 continuous days to have been discontinued permanently, and it requires licensees to return the authorization for such facilities to the Commission. The agency in addition places limits on the period allotted for construction. Last, the Commission has anti-trafficking provisions designed to discourage warehousing. Telocator encourages the FCC to enforce these provisions that apply directly to warehoused channels rather than promulgate its proposed restriction on channel-agile transmitters.

In fact, a prohibition on channel-agile base station transmitters would not serve as a significant deterrent to warehousing. If a carrier wished to warehouse frequencies it could always supply at the same site and at limited cost, the minimal configuration necessary to meet the FCC's requirements by employing used equipment or (in the case of 900 MHz) low powered equipment. Thus, a prohibition would not be good public policy, particularly in the face of countervailing legitimate uses.

Although Telocator agrees that warehousing channels reduces spectrum efficiencies, the instant proposal does not and cannot resolve this problem. Those

carriers wishing to "warehouse" will find alternative means to do so. On the other hand, prohibiting the use of channel-agile transmitters would obstruct the legitimate efforts of carriers to offer additional and varied services. The Commission should not adopt a proposal that would discourage flexible use of the spectrum to enhance the reliability, quality and diversity of public mobile services.

4. Station Identification

Proposed Section 22.313 states in part:

station identification must be transmitted at the end of each transmission or series of transmissions. During prolonged or continuous series of transmissions, station identification must be transmitted at periodic intervals not to exceed 30 minutes; however, transmission of such periodic station identification may be temporarily delayed to avoid interrupting the continuity of any public communication in progress, provided that station identification is transmitted at the conclusion of that public communication.

Telocator urges the Commission to make two revisions to this proposed rule.

First, it should allow licensees to postpone station identification if there is public communication "waiting to be sent." Licensees currently provide services to the public at speeds up to 2400 bits per second and, thus, can send 360 numeric pages of ten digits in the time it takes to transmit one station identification (about 5 seconds).

Assuming a twenty percent busy hour rate, this translates into sacrificing the capacity to serve about 1,500 subscribers for station identification purposes. Thus, licensees should be able to defer the identification until such time as there is no traffic waiting.

Second, licensees should not be required to transmit the identification every thirty minutes which, in a full busy hour, would result in a loss of more than 300 subscriber messages. Accordingly, Telocator recommends that proposed Section 22.313 be revised to require station identification every 60 minutes.³⁹

5. Additional Channel Policies

The Commission has tentatively decided to eliminate the need for applicants seeking additional two-way conventional channels to conduct traffic loading studies and to adopt instead the procedures it employs to govern additional channel requests for one-way paging operations. Under the proposed rules, applicants may apply for no more than 1 one-way channel or 2 two-way channels at a time. Applicants for another channel would have to await operation (i.e., construction and commencement of service) before applying for another channel.

Telocator supports the Commission's proposed deletion of the traffic loading requirements. These studies are now of questionable reliability as an indicator of spectrum utilization. They also are burdensome for licensees to conduct and for the FCC staff to evaluate.

Proposed Sections 22.539 and 22.569 should be revised, however, to provide that an applicant may file for an additional channel once a construction permit is

³⁹ Indeed, Telocator's proposed revision is consistent with the requirements applied to broadcast licensees. Those requirements, set out in Section 73.1201 of the rules, 47 C.F.R. § 73.1201, state: "Broadcast station identification announcements shall be made: . . . hourly, as close to the hour as feasible, at a natural break in program offerings."

granted, as is currently the practice. Carriers experiencing substantial growth, perhaps due to marketing through retail channels for personal use, are in particular need of an ability to apply for channels to meet expected demand; yet these carriers would be forced to delay service in the public interest to meet the FCC's proposed new requirements. Similarly, some carriers need to apply immediately after grant to avoid delays associated with obtaining approvals above Line A.

B. Below 900 MHz Channels

1. Interference Showing

The Commission should clarify what constitutes a showing sufficient to demonstrate that proposed facilities meet FCC interference requirements. The need for such a clarification is particularly important to minimize the possibility of disputes under the conditional licensing regime proposed by the Commission. In this respect, the agency should define how service area boundaries are to be determined. For example, it should consider the role of the basic eight cardinal radials, the role of special radials, and the role of additional offset radials. The FCC also should indicate whether an interference contour will be based only on basic eight cardinal radials, whether an interpolation procedure should be specified, and whether special radials are needed.

**2. Major/Minor Modifications
- Below 900 MHz**

The Commission has proposed to modify its current rule Section 22.23 concerning the classification of filings as either "major" or "minor." Specifically, it seeks to set forth in proposed Section 22.123 the following rationale for classifying Part 22 filings:

In general, a major filing is a request for Commission action that has the potential to affect parties other than the applicant. Filings are minor if they are not classified as major.

Under this rule and companion rule 22.163, licensees would be able to make minor modifications to existing stations without obtaining prior Commission approval and without filing a Form 489 notification.

Telocator endorses the agency's proposed changes. It is appropriate to consider as major any filings that could affect other parties, as such treatment will invoke the public notice requirements used to advise parties of potential conflicts.

Telocator urges the Commission to incorporate into these regulations the additional principle that a Form 489 notification is permitted when a licensee makes a change in facilities that would result in a change in the database. Licensees should be able to file a Form 489 notification as an option to gain interference protection for the subject facility. In this regard, Section 22.99 should include a definition of the term "protected station" to make clear that a protected station are facilities entitled to protection from interference in accordance with the FCC's rules. Such a provision will

encourage maintenance of accurate records that will assist both the Commission and the industry.

In addition, proposed Section 22.163 should recognize minor modifications that require notification to the Commission. These include: (1) minor changes to control facilities as discussed below, and (2) a decrease in the outer composite service or interference contour as might come about through the discontinuance of facilities at an outer site. Compared to other 489 filings, which would be considered optional, these filings are critical to the determination of parties' rights to interference protection.

C. 931 MHz Channels

1. Separation Tables

Telocator notes that the Commission's proposed separation tables for 931 MHz facilities limit the initial service area to 20 miles. Telocator is concerned that the table may thereby preclude any new station at $\geq 2,000$ feet HAAT since such facilities would create a service contour with a radius greater than 20 miles. Accordingly, the Commission should re-evaluate its proposal in this area to ensure licensees contemplating stations at $\geq 2,000$ feet HAAT are not prejudiced.

In addition, the proposed rules do not, as Telocator had requested in its 1990 submissions to the Commission on Part 22 changes, provide a means for establishing a

931 MHz "fill-in" station less than 20 miles from the outer composite service contour.⁴⁰ Telocator offered an extension of the FCC's tables that would allow such facilities while still maintaining the degree of protection inherent in the current mileage separations.⁴¹

Telocator therefore urges the Commission to modify its rules to allow such fill-in stations for 931 MHz licensees where the stations would be less than 20 miles from the outer composite service contour of the licensee's system.⁴² Such a change will permit carriers to meet service requirements near the boundaries of wide area systems.⁴³

2. Major/Minor Modifications - 931 MHz Band

As discussed above, the Commission should modify its proposed rules relating to major/minor modifications to incorporate appropriate requirements regarding Form 489 notifications. With respect to 931 MHz channels in particular, Telocator recommends that the agency permit licensees to move a base station 2 kilometers or

⁴⁰ See, e.g., Report of the Telocator Part 22 Rewrite Task Force filed October 31, 1990.

⁴¹ Id.

⁴² Specific language is not proposed at this time. The agency may wish to adopt Telocator's earlier proposal of an extended table or to employ a formula that would meet the same objectives.

⁴³ The recognition of "in-building" systems in Section 22.537(g) will assist in this regard, but licensees need the flexibility to employ conventional fill-in facilities as well.

less from the original coordinates and not closer to a co-channel licensee without prior Commission approval.

Adoption of this change will address an inconsistency between the treatment of channels below and at 931 MHz. Licensees operating below 931 MHz may relocate facilities to adjust to changed business needs, to accommodate the loss of a site, or to remedy interference. This relocation may be accomplished as long as the contours of the facilities are not enlarged. In contrast, 931 MHz licensees cannot make such changes because the contours of their facilities are theoretically established by the rules at 20 and 50 miles. Any relocation would therefore change the contours, thereby requiring prior Commission consent. 931 MHz licensees must consequently await approval and, if there is a 931 MHz "waiting list," careful review of their application before receiving a grant for such changes. A rule that allows minor modifications involving a relocation of 2 kilometers or less from the originally authorized coordinates provided there is no change in the required separation mileage will remedy this anomaly and afford much needed flexibility to 931 MHz licensees.

3. Short-Spaced Applications

The agency should adopt two short-spacing rules in the 931 MHz band to protect the ability of existing licensees to expand their wide-area systems. First, the agency should require initial applications (and applications for stand-alone sites) in the 931 MHz band to seek authorization for facilities with at least a 20 mile (32 km)

service contour and a 50 mile (80 km) interference contour. Second, perimeter sites entitled to protection from interference should be authorized with no less than a 20 mile service contour and a 50 mile interference contour unless the co-channel licensees have consented to short-spacing. These proposed changes would reduce the filing of applications designed to block the spread of wide area systems.

4. Assignment Policy

The FCC has proposed in Section 22.533 that:

the Commission selects and assigns a channel when granting applications for authorization to operate a new paging station to transmit in the 931-932 MHz frequency range. Applicants having a preference may request the assignment of a specific channel, but the Commission may in some cases be unable to satisfy such requests. Applications for authorizations to operate a new paging station in an established nationwide paging network must specify the channel of the affiliated network (i.e., 931.8875, 931.9125 or 931.9375 MHz).

Telocator supports the codification of Commission's channel assignment policies in proposed Section 22.533. It urges the Commission to adopt that section as written.

To further simplify the application process, Telocator also asks the agency to publish a list of 931 MHz channels above Line A on which U.S. applicants will have priority.

III. CONTROL CHANNEL ISSUES

A. Major/Minor Modifications - Control Channels

Telocator recommends that the FCC consider as minor the following additional modifications to control facilities:

- Modifications to 72-76 MHz control stations, provided there is no increase in the height of the center of radiation of the antenna above average terrain, no increase in effective radiated power, and no change in location of the transmitting antenna of more than two kilometers. The licensee making such changes shall be responsible for remedying at its own expense interference that results from such changes;
- Modifications to 150 and 454 MHz stations used for control, provided the reliable service area contour and interference (as if used for a base station) are not enlarged.
- Modifications to 928, 932, and 959 MHz control stations, provided there is no change in location of the transmitting antenna of more than two kilometers, and no decrease in required co-channel separation as required under Part 22 of the Commission's rules for such stations.
- Modifications to convert base stations to control use, provided the facilities are operated under the same technical specifications authorized to the station as a base.

Control stations are essential to the provision of service in the public interest. They serve as the critical links in tying together multi-facility systems and offer advantages unattainable through wireline circuits. Licensees need the flexibility to react quickly to

modify these stations in the event a site is lost or interference is received or caused.

The revisions suggested above will offer licensees this needed flexibility.

Additionally, the Commission should require licensees to notify it on Form 489 of minor changes to control stations so that the FCC's database may be corrected.

B. Use of Mobile Channels

The Commission has noted that most former two-way systems in the public land mobile service are now being used for paging, and it seeks comment on the best methods for using the mobile station to control such systems.⁴⁴ The agency observes that controlling a paging system generally requires installing a high omni-directional antenna driven by a high powered transmitter and, thus, there is a much greater potential for interference to fixed receivers on the mobile channel from this type of operation.⁴⁵ The FCC asks whether it should adopt proposed Section 22.575, the revision of current Section 22.518, which contemplates lower power facilities and the use of a mobile channel to control the base channel with which it is paired.

Telocator submits that Section 22.575 should be revised to provide that a mobile channel may be used by the licensee of the base station channel to control any paired or unpaired base station licensed to it as long as interference does not result to any other licensee authorized to use the mobile channel. In determining whether cognizable

⁴⁴ NPRM, at 3670-71, Appendix A.

⁴⁵ Id. (discussion of proposed Section 22.575).