

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of the Commission's ) RM-8117  
Rules Governing 800 MHz )  
Specialized Mobile Radio )  
Service Systems to Permit )  
the Licensing of Wide-Area )  
Block Authorizations )

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FEDERAL COMMUNICATIONS COMMISSION  
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To: The Commission

STATEMENTS  
OF THE  
COUNCIL OF INDEPENDENT COMMUNICATION SUPPLIERS

The Council of Independent Communication Suppliers ("CICS"), pursuant to the Federal Communications Commission's Notice of Proposed Rule Making in the above-referenced matter, hereby respectfully submits this Statement responding to the above-captioned Petition for Rule Making filed by the American Mobile Telecommunications Association, Inc. ("AMTA").<sup>1</sup>

I. PRELIMINARY STATEMENT

1. The Council of Independent Communication Suppliers is an unincorporated association of entities engaged in serving the needs of private radio eligibles, particularly those located in small and rural communities throughout the United States. CICS' membership

<sup>1</sup> AMTA's Petition for Rule Making appeared on the Commission's Public Notice dated November 20, 1992, Report No. 1918.

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is open to SMR operators, radio dealers, equipment suppliers, and consultants. CICS was formed to provide these entities a voice in the policy-making process governing use of the electromagnetic spectrum, especially spectrum allocated to the private land mobile radio services. CICS is an independent membership market council of the Industrial Telecommunications Association, Inc. ("ITA").

## II. BACKGROUND

2. AMTA's Petition for Rule Making is intended to address specific concerns about the existing SMR regulatory structure. In particular, AMTA finds that the current body of rules inhibits the aggregation of systems into wide-area configurations. The intent underlying the proposed changes is to permit SMRs to have a "viable mechanism for participating in the emerging wireless revolution." AMTA concludes that there is a need for an alternative regulatory structure conducive to an SMR block licensing scheme. In turn, AMTA expects that the block licensing scheme will help to ensure that the SMR industry is optimally configured to meet the nation's personal communications needs during the next century.

## III. REPLY COMMENTS

3. CICS agrees with AMTA that block licensing arrangements represent the next significant stage in the development of the SMR

industry. CICS believes that block licensing arrangements will necessarily evolve over time, whether or not the Commission takes specific action to facilitate this development. In CICS's view, it is clearly preferable for the Commission to accommodate block licensing by proceeding to rule making on AMTA's proposal. CICS's therefore supports the thrust of AMTA's Petition for Rule Making.<sup>2</sup>

4. CICS believes that the block licensing scheme should cover areas which parallel, in both size and definition, MSAs and RSAs. CICS does not foresee that licensing arrangements covering geographic areas larger than MSAs and RSAs would be either necessary or particularly practical. CICS also supports AMTA's recommendation that only those channels which have already been constructed should be included for purposes of determining which licensees may compete for block licensing authority. Similarly, CICS would not include unconstructed channels when counting the number of discrete frequencies for purposes of prioritizing block licensing applicants.<sup>3</sup>

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<sup>2</sup> CICS also notes that there are certain parallels between AMTA's block licensing scheme and the Designated Filing Area (DFA) approach which the Commission used when it opened the filing windows for SMR applications in the 896-901/935-940 MHz band.

<sup>3</sup> CICS adheres to the view that underlying each application for SMR channels should be an intent to construct those channels for the purpose of providing an actual communications service. CICS is wary of any approach which would reward licensees for having accumulated unconstructed channels. CICS firmly believes that the potential of offering a bona fide communications service should be the only rationale for applying for SMR channels. To

5. Though supportive of AMTA's initiative, CICS believes there are certain aspects of the proposal that may be of questionable value. Specifically, CICS has reservations about AMTA's suggestion that all applicants for non-trunked SMR systems should be assigned channels in the 896-901/935-940 MHz band. As a practical matter, it is highly unlikely that there is any unassigned 800 MHz spectrum available for conventional SMR use in major urban areas.<sup>4</sup> Notwithstanding this point, CICS sees no real harm in continuing to permit conventional SMR applicants to apply for spectrum in the 806-821/851-866 MHz band, where available.

6. Additionally, CICS questions the guidelines for implementation schedules proposed by ASNA. It is not clear from the petition why, for markets with 42 or more unassigned channels, licensees would have only one year in which to implement 20% of the assigned channels. In contrast, licensees in markets having fewer than 42 unassigned frequencies would have five years in which to implement 20% of the authorized channels. AMTA's petition does not

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give credit to applicants for unconstructed channels when determining the priority among competing applicants would create a false incentive among licensees to apply for additional channels, wholly apart from the goal of enhancing existing service.

<sup>4</sup> According to the Industrial Telecommunications Association, Inc.'s December 1, 1992 release on "800/900 MHz Frequency Availability in Major Urban Areas", there are no General Access channels available in 15 of the top 26 urban markets in the country. There are less than five General Access channels available in three other markets.

adequately explain the rationale for this discrepancy. Further, CICS believes there should be a requirement that all licensees, regardless of the market, must completely implement the assigned channels within a specified period of time. As it is, the proposal does not appear to address any requirement for complete implementation of a system within the area of licensing.

7. In summary, CICS is supportive of the objective and intent of AMTA's Petition for Rule Making. Though there appears to be a need for adjustments in some facets of AMTA's proposal, CICS believes there is merit to the "blueprint" concept which AMTA has conceived. CICS therefore urges the Commission to proceed to the Notice of Proposed Rule Making stage in this matter.

WHEREFORE, THE PREMISES CONSIDERED, the Council of Independent Communication Suppliers respectfully submits the foregoing Statement in this matter and urges the Federal Communications Commission to act in a manner consistent with the views expressed herein.

COUNCIL OF INDEPENDENT  
COMMUNICATION SUPPLIERS

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