

BEFORE THE

ORIGINAL

**Federal Communications Commission**

Washington, D.C. 20554

In the Matters of:

Proposed Rulemaking to Amend )  
 Part 1 and Part 21 of the )  
 Commission's Rules to Redesignate )  
 the 27.5 - 29.5 GHz Frequency Band )  
 and to Establish Rules and Policies for )  
 Local Multipoint Distribution Service )  
 (LMDS); CC Docket No. 92-297; )  
 RM-7872; RM-7722; PP-22; )  
 FCC 92-538; released January 8, 1993; )  
 )  
 Applications for Waiver of the Commission's )  
 Common Carrier Point-to-Point )  
 Microwave Radio Service Rules; )  
 )  
 University of Texas-Pan American Petition )  
 for Reconsideration of Pioneer's Preference )  
 Request Denial )

CC Docket No. 92-297;  
RM-7872; RM-7722

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

Comments by RioVision of Texas, Inc.

Dated: March 12, 1993

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

In response to the above referenced notice of proposed rulemaking and request for comments, RioVision of Texas, Inc., on its behalf and on behalf of others mentioned herein, has the following comments:

1. RioVision, in partnership with the University of Texas-Pan American, currently has a Petition for Reconsideration before the Commission in which it continues to seek an LMDS License by waiver on grounds of merit.
2. RioVision wholeheartedly endorses the comments filed for this proceeding by the University of Texas Systems - particularly with respect to the University's request for a non-commercial designation of Band **B** of the 28 GHz frequency for priority use by institutions of higher education to operate and to hold frequencies in trust, for future educational use by all levels of education within a licensed BTA.
3. RioVision supports the University of Texas-Pan American effort seeking a Pioneer's Preference by virtue of utilizing MLDS technology in a "radically innovative way" which would have the effect of bringing MLDS to a "more advanced or effective state" - a qualifying criterion for grant of a Pioneer's Preference under 47 C.F.R § 1.402(a).
4. RioVision believes that any commercial applicant which holds an agreement with an institution of higher learning containing a lease-back provision in exchange for providing the institution with transmission capacity for the distribution of educational programming - that that applicant should, at the very least, be granted some form of preference for a grant of the 28 GHz A Band.
5. RioVision requests a modification of the NPRM's timely service requirement to allow for extremely large BTAs with a spread-out population base - such as our applied-for area: The Lower Rio Grande Valley of Texas (McAllen-Brownsville MSAs). A more realistic requirement would seem to be 50% service within three years and 90% service within five years as opposed to the NPRM's proposal of 90% service within three years.
6. Local ownership and operation should be granted preferential treatment. This should have particular emphasis in areas such as ours where all our television stations, 80-plus percent of our radio stations, all daily newspapers and the cable company are owned by out-of-state interests.

7. RioVision believes MLDS, as developed by Suite 12 and the David Sarnoff Research Center, constitutes the best technology, extant or imminent, that allows for a working and highly effective partnership between the private sector and institutes of higher learning. If it does nothing else - it affords that partnership an opportunity to bring television to its highest calling: to bring a combination of entertainment, information and education to enhance the quality of life of those at the receiving end.

Respectfully submitted,

**RioVision, Incorporated**

By: 

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