

MAR 16 1993

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 21 of the)
Commission's Rules for the)
Domestic Public Fixed Radio)
Services)

CC Docket No. 93-2

COMMENTS OF
MCI TELECOMMUNICATIONS CORPORATION

MCI Telecommunications Corporation (MCI), by its undersigned attorneys, hereby submits its comments in response to the Commission's Notice of Proposed Rule Making (Notice) in the above-captioned proceeding. In the Notice, the Commission proposes to revise Part 21 of the Rules, which requires that Point-to-Point Microwave Radio Service (PPMS) applicants obtain an authorization prior to commencing construction of proposed facilities. Revision or elimination of several reporting requirements and FCC forms are also proposed.

I. Introduction

MCI currently operates approximately 275 fixed point-to-point microwave paths in the 4 GHz common carrier band, 225 paths in the 6 GHz band, and 100 paths in the 11 GHz band. Ongoing expansion of this fixed microwave service use through both frequency additions to existing paths and construction of new paths is an integral part of the overall MCI network development. In 1992, MCI filed approximately 200 FCC Form 494 applications and 130 FCC Form 494A certifications. MCI is very interested in changes to the FCC application forms and processing

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procedures that will improve the overall efficiency of PPMS licensing and implementation.

II. Discussion

A. Pre-Authorization Construction Should Be Permitted Subject To Limitations Similar To Those Described In The Notice.

MCI fully supports the proposal to align the PPMS with other telecommunications services where pre-authorization construction of facilities is allowed. The conditions and risks associated with such construction should be sufficient to deter any user from short-cutting the proper frequency coordination and licensing procedures. Proposed §21.43(c)(3) clearly defines the necessary conditions and §21.43(c)(4) reveals the risks. Furthermore, proposed §21.43(c)(5) emphasizes that only construction, and not operation, is allowed before the license is granted. Further extending these new rules to modifications under §21.40 and §21.41 is appropriate and also fully supported by MCI.

B. Rules Governing Temporary Use Of PPMS Frequencies Should Be Liberalized To The Extent Feasible.

Paragraph 13 of the Notice suggests that the public interest is best served when the public notice and comment period take place prior to the commencement of operations. In frequency bands and geographic areas subject to high levels of frequency congestion, MCI wholeheartedly agrees with this assessment. Paragraph 14 then concludes that the proposed action addresses the ultimate goal of the McCaw Cellular Communications, Inc. ("McCaw") petition. McCaw desired to completely eliminate the

delay associated with FCC processing and license granting. Since most of their PPMS paths connecting cellular system sites can be constructed in less than a day, the proposed action will do almost nothing to address their needs. MCI occasionally has similar needs to quickly establish a PPMS path and shares the McCaw concern that such needs cannot be met under the current regulatory environment. The Commission is urged to relax and clearly define the situations under which a Special Temporary Authority ("STA") can be obtained and assure that this definition will address the needs of all PPMS users.

C. The Requirement That FCC Form 494A Be Filed To Confirm Construction Should Be Retained, In Light Of Its Considerable Informational Value To The Frequency Coordination Community.

The primary purpose of the FCC Form 494A is to confirm that conditionally licensed paths have been built. It is clear that most such paths are built and a far smaller number are abandoned. Although a filing for the "positive" action of construction is preferred over a filing for the "negative" action of abandonment, the reverse would save much paperwork processing. Paragraph 16 suggests that "sufficient enforcement mechanisms" exist with respect to failure to construct facilities, but how much of a threat is automatic cancellation of a license for a path that will not be built? A system of monetary forfeitures for failure to either construct and operate facilities or submit the license for cancellation would appear to be the only way that the Form 494A can be eliminated without losing information that is of great importance to the frequency coordination community.

D. MCI Recommends That FCC Form 494 Be Revised To Reduce Paperwork Burdens And To Streamline Filing Requirements.

Elimination of the Form 494A for reporting modification of facilities can be achieved by making changes to the Form 494. The Form 494 needs to be further structured into sections, so that only the sections applicable to a given filing are submitted. The proposal to include the Form 430 within the Form 494 is not appropriate. Carriers typically submit this form once per year and reference it by date in all future Form 494 applications. Both of these suggestions would appear to contribute to a desirable paperwork reduction.

E. The Commission Should Add STA Grants And Temporary Fixed Authority Notifications To Its Weekly Public Notices.

Regarding the weekly public notices that list the filing of Form 494 applications and Form 494A certifications, MCI has long felt that STA grants and Temporary Fixed Authority notifications should also be listed. The absence of these listings makes identification of newly-received interference extremely difficult. MCI was only able to track down a recent problem in the Dallas area by assuming that any path frequency coordinated in the last year is a suspect. Eliminating the Form 494A may exacerbate this problem if proper alternative procedures are not developed.

III. Conclusion

MCI is generally pleased with the proposals in this docket to improve the PPMS implementation process and the associated FCC application forms. MCI urges the Commission to consider the above comments in pursuing this matter.

Respectfully submitted,
MCI TELECOMMUNICATIONS CORPORATION

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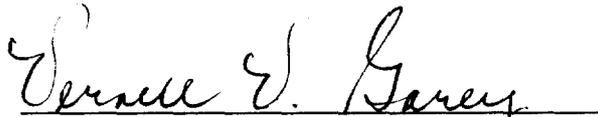
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Dated: March 16, 1993

CERTIFICATE OF SERVICE

I, Vernell V. Garey, do hereby certify that copies of the foregoing "Comments of MCI Telecommunications Corporation", were served by first class mail, postage paid (unless otherwise indicated) on the following parties this 16th day of March, 1993.


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