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Before the
Federal Communications Commission
Washington, D.C.

MAR 16 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

) CC Docket No. 93-2

)
) RM-7861

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

COMMENTS OF BELL ATLANTIC PERSONAL COMMUNICATIONS, INC.

Bell Atlantic Personal Communications, Inc., on behalf of the Bell Atlantic Companies¹, submits these comments in support of the Commission's efforts to streamline the Point-to-Point Microwave Radio Service (PPMS) applications process and which also urge the following changes to the Commission's proposals.

A. Preconstruction

Allowing PPMS applicants to begin construction prior to grant of an authorization is manifestly in the public interest. As the Commission recognizes, the telecommunications industry is continually faced with competitive pressures that demand swift delivery of services.² By permitting PPMS applicants to preconstruct, the Commission can ensure that services are made available to the public as expeditiously as possible.

¹ The Bell Atlantic Companies include The Bell Telephone Company of Pennsylvania, the four Chesapeake and Potomac Telephone Companies, the Diamond State Telephone Company, and the New Jersey Bell Telephone Company.

² NPRM at 1, ¶ 3.

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While preconstruction offers substantial public benefits, operation of a station prior to authorization by the FCC, as some have urged,³ would not be in the public interest. Continued adherence to the existing rules regarding operation is necessary to ensure that the frequency coordination process and PPMS are not compromised.

The Commission proposes several conditions upon which preconstruction would not be allowed.⁴ One such condition specifies that applicants requesting a waiver of a Commission rule would not be allowed to preconstruct. Consequently, even applicants seeking waivers historically regarded as routine would be denied the opportunity to preconstruct. Since the burden of risk for preconstruction, in any case, lies solely with the applicant, the Commission may wish to relax the proposed guidelines.

The Commission also proposes that applicants who must file a notice of proposed construction with the FAA, be required to receive a reply from the FAA prior to construction. Since many of the PPMS applications filed with the FCC are also filed with the FAA, a substantial number of applicants would be denied the benefits of preconstruction. Bell Atlantic proposes that preconstruction of facilities be permitted without FAA approval, except for construction which is specifically related to placement of antennas and towers. Further, any limitation on an applicant's ability to preconstruct should be site specific, and should not impose limits on the entire filing. For example, an application that specifies construction of a multiple site system should not be prohibited from preconstruction simply because one site requires an

³ NPRM at 3, ¶ 14.

⁴ NPRM at 2, ¶ 5.

FAA filing. Finally, applicants requesting modification of station facilities should be allowed to preconstruct, subject to the same restrictions and conditions.

B. Reduction of Construction Period

The Commission proposes to reduce the construction period for PPMS from eighteen (18) months to six (6) months.⁵ A six-month period is not adequate, since equipment delivery may itself take up to six months. Because many microwave facilities require purchase of land, construction of towers and shelters, and zoning approval, periods up to, and occasionally in excess of, eighteen months are needed to complete these facilities. By reducing the construction period to six months, the Commission may substantially increase the number of requests for extension of time and place a greater burden on its staff. Bell Atlantic recommends that the current guideline for a maximum eighteen month construction period be maintained.

C. Licensee Qualification Report

The Notice proposes that Form 494 be used to file licensee qualification data within 30 days of a change in any relevant information.⁶ This requirement could result in numerous filings with the Commission each year, as opposed to the annual filing made using FCC Form 430. If Forms 430 and 494 are to be consolidated, then the Licensee Qualification section should only be required annually, as it is today.

The following additional modifications are also recommended:

⁵ NPRM at 4, ¶ 17.

⁶ NPRM at 5, Appendix A, Section 21.11 (a).

Question 29c: Business Activities. The information requested is unduly burdensome for applicants and the question should be eliminated.

Question 29 h: Interested Parties Holding Licenses. The request should confine itself to the names and relationships of all interested parties holding FCC licenses.

Form 494 Item 4. This should specify that applicants do not have to answer Questions 20-31 (not 20-27) for applications subsequent to the lead application.

Form 494 Item 9(f). Modify to state that for short paths, actual azimuth rather than calculated azimuth should be specified.

Questions 10 and 11. Move to first page of the form to consolidate all technical information in one place.

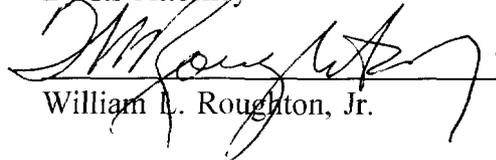
CONCLUSION

Bell Atlantic believes that the PPMS can be substantially improved by the Commission's proposal. The adoption of preconstruction guidelines will permit applicants to meet the needs of their customers, and the elimination or consolidation of certain FCC forms will streamline various reporting procedures. However, in adopting these new rules, the Commission must be wary not to inadvertently place greater burden on its staff and the public. Adoption of the proposed changes to the FCC's proposal, as outlined in these Comments, will help to ensure that the Commission's ultimate objectives are met.

Respectfully submitted,

Bell Atlantic Personal Communications, Inc.

By Its Attorney

A handwritten signature in black ink, appearing to read "W. Roughton, Jr.", is written over a horizontal line. The signature is cursive and somewhat stylized.

William L. Roughton, Jr.

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March 16, 1993