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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

REPLY COMMENTS OF
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McCaw Cellular Communications, Inc. ("McCaw"), by its attorneys, hereby submits its reply to comments filed in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned docket.¹ As discussed below, the comments universally supported the Notice's proposal to reform regulations, procedures, and forms governing Point-to-Point Microwave Service ("PPMS") facilities, including measures to

I. SUMMARY

The record developed in this proceeding demonstrates overwhelming support for the Commission's proposals to reform the Part 21 rules. Commenters, including some of the largest PPMS users and frequency coordinators, united in support of measures needed to facilitate the rapid introduction of PPMS offerings to the public. McCaw, among many others, commended the Commission for initiating this rulemaking and now urges the Commission to act promptly to adopt the rule changes discussed herein.

Most notable among the Commission's reforms is a proposal to permit PPMS applicants to commence construction in advance of receiving an authorization for new or modified facilities. This proposal received unanimous support in the comments. In this regard, McCaw also supports some minor modifications to the pre-authorization construction rules suggested in the comments, including: allowing PPMS applicants to proceed with construction upon receiving marking and lighting instructions from the FAA only; evaluating pre-authorization construction requests on an individual facilities basis rather than evaluating a set of related applications as a whole; and retaining a period of at least 12 months for construction of newly authorized facilities.

In a related matter, McCaw also believes there is strong and well-reasoned support in the record for rule modifications to allow operation of newly proposed permanent facilities prior to issuance of a facilities-specific public notice. McCaw proposes to allow applicants who have received a non-facilities specific

blanket authorization, subject to public notice and petitions to deny, to operate facilities conditionally upon filing an FCC Form 494 for permanent authorization. This conditional authority would become permanent upon grant of the FCC Form 494 application. This procedure would expedite initiation of service, is consistent with the Communications Act, and has been used successfully in other services. Moreover, because frequency coordination is an independent requirement imposed on all licensees prior to filing an FCC Form 494, the procedures outlined by McCaw would ensure that no interference to other PPMS systems occurs from stations conditionally authorized under a carrier's blanket license.

Finally, a number of meritorious suggestions have been tendered by commenters on the form changes proposed in the Notice. McCaw believes incorporation of the changes detailed in this reply will advance the Commission's goals of streamlining Part 21 procedures and reducing paperwork burdens on the public and the FCC's staff. McCaw urges the Commission to act promptly to finalize the reformed Part 21 rules and regulations, and thereby enhance the ability of PPMS carriers to meet customer needs.

**II. THE COMMENTS FAVOR PERMITTING PRE-AUTHORIZATION
CONSTRUCTION SUBJECT TO APPROPRIATE CAREFULLY DEFINED**

authorization construction of Part 21 PPMS facilities.² The record documents the significant benefits of allowing PPMS applicants to construct facilities specified in an FCC Form 494 at their own risk, subject to certain defined conditions to exempt nonroutine applications and to ensure compliance with air space and environmental requirements. As parties noted, permitting broad pre-authorization construction of PPMS facilities expedites the initiation of service, thereby serving the public interest. For the same reasons, the parties also supported similar rule revisions allowing pre-authorization construction of PPMS modifications.³

In order to achieve the greatest benefits from pre-authorization construction, however, McCaw and other commenting parties suggested that the Notice proposals should be modified. First, the record demonstrates that applicants should be permitted to proceed with pre-authorization construction once they obtain marking and lighting instructions from the FAA,

² Comments of American Telephone and Telegraph Company at 1 ("AT&T"); Comments of Bell Atlantic Personal Communications, Inc. at 1 ("Bell Atlantic"); Comments of BellSouth at 2-3 ("BellSouth"); Comments of Comsearch at 2-3 ("Comsearch"); Comments of EMI Communications Corporation at 1 ("EMI"); Comments of GTE Service Corporation at 3-4 ("GTE"); Comments of Local Area Telecommunications, Inc. at 4 ("LOCATE"); Comments of MCI Telecommunications Corporation at 2 ("MCI"); Comments of National Spectrum Managers Association at 4 ("NSMA"); Comments of National Telephone Cooperative Association at 2-3 ("NTCA"); Comments of NYNEX Mobile Communications Company at 1-2 ("NYNEX"); Comments of OCOM Corporation at 1 ("OCOM"); Comments of Pacific Telesis Group at 1-3 ("PacTel"); Comments of Southwestern Bell Corporation at 3-4 ("SWBT"); Comments of Sprint Corporation at 1, 4-5 ("Sprint"); Comments of Telecom Services Group, Inc. at 4-5 ("TSG"); Comments of United States Telephone Association at 2 ("USTA"); Comments of U S West, Inc. at 4 ("U S West"); Comments of Western Tele-Communications, Inc. at 1-3 ("WTCI").

³ Comsearch at 3; EMI at 1; GTE at 4; MCI at 2; OCOM at 1; SWBT at 6; USTA at 3.

rather than awaiting separate receipt of instructions from the FCC.⁴ The obstruction marking and lighting directives issued by the FAA generally are followed by the FCC. The benefits of pre-construction would be unnecessarily delayed, however, if applicants were required to wait to receive duplicative marking and lighting instructions from the FCC.⁵

Second, where multiple new or modified facilities are proposed in a single set of PPMS applications, preconstruction should be permitted on a facilities-specific basis.⁶ A carrier should not be denied all of the benefits of pre-authorization construction simply because one of the applications does not meet the Notice's criteria for pre-authorization construction. In these circumstances, each FCC Form 494 application for a new or modified PPMS facility should be considered independently and pre-authorization construction permitted for each proposed facility meeting the Notice's conditions.

Finally, McCaw concurs with the majority of commenters who argue that the time to construct PPMS facilities should not be uniformly reduced to six months.⁷ As commenters have documented, pre-authorization construction will not be possible in all cases

⁴ AT&T at 2-3; Bell Atlantic at 2; SWBT at 7.

⁵ McCaw almost always receives FAA-issued marking and lighting instructions well in advance of comparable FCC specifications for a site. At present, such FCC requirements usually are included when the radio station authorization is issued.

⁶ Bell Atlantic at 2-3.

⁷ AT&T at 3; Bell Atlantic at 3; BellSouth at 4 n.3; EMI at 3; GTE at 6; PacTel at 7-8; SWBT at 13; TSG at 8-10; USTA at 15; U S West at 10-11; WTCI at 5-6.

and a permittees' timetable for construction can be adversely affected by equipment availability, weather conditions, and other factors beyond the control of the applicant. As discussed in its opening comments, McCaw believes that permittees should have at least 12 months to construct new and modified facilities.

III. THE RECORD SUPPORTS RULE MODIFICATIONS TO EXPEDITE OPERATION OF PPMS FACILITIES

The record developed in this proceeding also demonstrates that the public interest would be served by amending the rules to expedite operation of new PPMS facilities. A substantial number of the parties filing opening comments (which include some of the largest users of PPMS facilities) supported McCaw's original proposal to expedite operation or otherwise recognized the need for relief by proposing alternative reforms to the licensing process that would allow operation prior to grant of permanent authority. As discussed below, the Commission could adopt procedures permitting earlier service initiation that protect the integrity of the frequency coordination process and are fully consistent with the Communications Act.

A. The Licensing Process Must Be Reformed To Allow Operation Prior to the Grant of an FCC Form 494

Commenters have recognized that, while pre-authorization construction offers some ability to improve time to service for PPMS applicants, pre-authorization construction will not

alleviate the most significant delays.⁸ LOCATE, for example, states:

While there may be instances where delays in the commencement of construction can delay the provision of service to the public, LOCATE's experience has been that delays in the application review process due to Commission budgetary constraints and staff shortages have been the primary factors which prohibit the public from receiving service quickly.⁹

Similarly, MCI notes, "[s]ince most of [a cellular carrier's] PPMS paths connecting cellular system sites can be constructed in less than a day, the proposed action [allowing pre-authorization construction] will do almost nothing to address their needs."¹⁰ Consequently, as NYNEX observes, the Notice proposals "attack the wrong problem" and "[i]f the Commission is to provide meaningful relief for Part 21 applicants, it must adopt rules that permit PPMS applicants to commence operation prior to receipt of authorization."¹¹

To address delays in obtaining operational authority, commenters, including some of the most substantial users of PPMS systems, have explicitly supported McCaw's original proposal in its petition for rulemaking to utilize blanket authorization procedures for early initiation of service from permanent

⁸ See BellSouth at 2; GTE at 4-5; LOCATE at 4, 6-7; MCI at 5; PacTel at 4; SWBT at 8; Sprint at 2-3; U S West at 4.

⁹ LOCATE at 6.

¹⁰ MCI at 3.

¹¹ NYNEX at 2.

facilities.¹² A range of other commenters have also proposed alternative "instant licensing" schemes that, while somewhat different from McCaw's proposal, similarly recognize the need to expedite PPMS service initiation.¹³ These comments underscore the importance of the Commission considering and adopting procedures, like the one outlined below, to allow early operation of PPMS facilities.

McCaw believes that the optimum means under the requirements of the Communications Act for affording carriers the necessary flexibility to deploy and operate facilities rapidly is by adopting a blanket licensing scheme for applicants seeking permanent PPMS authorizations. Under McCaw's proposal, a carrier would file an initial non-facilities specific FCC Form 494 for a particular geographic area. This initial application would allow the FCC to review and approve the applicant's financial, legal, and technical qualifications to hold Part 21 authorizations. Grant of this initial blanket authorization would authorize the carrier to operate PPMS facilities on a notification basis by filing an application for new facilities on an FCC Form 494. The initiation of operation would be limited by the same conditions applied to pre-authorization construction, as well as an explicit requirement that frequency coordination has been fully and satisfactorily completed. Authorization under the blanket

¹² BellSouth at 3-4; LOCATE at 4, 6-7; MCI at 2-3; NYNEX at 6-9; SWBT at 8-14; Sprint at 2-4.

¹³ GTE at 4-5; PacTel at 3-6; U S West at 5-9.

license would be conditioned on grant of the underlying application for permanent authority at the site and would terminate when permanent authority was granted.

Importantly, McCaw's proposal is not properly characterized as "pre-authorization operation," since all facilities would be operated under a blanket authorization. Obtaining such blanket authority would be subject to the full panoply of notice and comment procedures under the Commission's rules and the Communications Act.¹⁴ In effect, the blanket authorization would be similar to the current temporary fixed microwave authorizations, but specifically tailored to the needs of PPMS applicants proposing permanent facilities, and would permit conditional operation of facilities only upon filing an FCC Form 494 for permanent authorization.

As several parties have noted,¹⁵ the use of such procedures is fully consistent with Commission-adopted licensing schemes for other services. For example, in the cellular service, a carrier receives an initial authorization covering an entire MSA or RSA and can operate individual cells sites wholly within the market on a notification basis by filing an FCC Form 489.¹⁶ Similarly, in the Interactive Video and Data Service, carriers are also initially authorized throughout an MSA or RSA, but are not even

¹⁴ 47 U.S.C.A. § 309 (1991).

¹⁵ BellSouth at 3-4; SWBT at 12.

¹⁶ See 47 C.F.R. § 22.9(d)(7) (1992).

required to notify the Commission when new facilities within the market are deployed.¹⁷

McCaw believes this licensing scheme offers the optimum speed and convenience for PPMS applicants consistent with the Commission's obligations under Section 309 of the Communications Act. Although it requires some advance planning on the part of carriers, these licensing procedures will allow a full inquiry into a potential licensee's qualifications while affording carriers the flexibility of blanket licensing used in other services. Furthermore, as discussed below, the procedures are designed to ensure non-interfering operation through the prior frequency coordination process.

B. The Procedures Outlined by McCaw for Early Initiation of Service Would Maintain the Integrity of the Frequency Coordination Process

All parties commenting in this proceeding have a tangible.

interference protection procedures.¹⁸ As discussed below, these arguments are without a sound basis in theory or practice.

A number of opening round commenters, including McCaw, set forth their belief that continued successful frequency coordination is a necessary prerequisite to permitting parties to initiate interference-free operation prior to facilities-specific public notices.¹⁹ Some commenters, however, argue that the public notice of a specific PPMS facility is necessary to ensure proper frequency coordination. This argument assumes, without any rational basis, that applicants willfully violate the Commission's rules and contradicts years of experience with PPMS facilities.

Under Section 21.100(d) of the Commission's rules, applicants for new facilities are required to complete prior coordination of their PPMS facilities with other systems in the vicinity before filing an application. Similar provisions also apply to applications for license modifications and amendments to pending applications if the potential for interference exists.²⁰ Since applicants must notify potentially affected licensees and applicants about proposed facilities before filing, the only time a public notice will avoid interference problems not identified in the coordination process is if the applicant specifies a different frequency of operation or location in its application

¹⁸ Bell Atlantic at 2; EMI at 1; NSMA at 2-3; USTA at 2; WTCI at 3.

¹⁹ LOCATE at 7; NYNEX at 8-9; PacTel at 3-4; SWBT at 10; Sprint at 3.

²⁰ 47 C.F.R. §§ 21.23, 21.41, 21.42 (1992).

than used in prior coordination.²¹ A change in frequency, however, always requires re-coordination, as does any change in coordinates that could affect another licensee or applicant's operations.

Thus, the argument that the public notice serves as a "part" of frequency coordination implies a distrust of applicants and reflects an assumption that applications will be filed that conflict with or lack frequency coordination data. This perspective assumes, without any apparent justification, that applicants will readily violate the Commission's rules. The better view, as noted by PacTel, is that the public notice is a "recording tool" to assist the Commission and coordinators:

Because the rules require that frequency coordination take place before filing an application, the public notice itself serves primarily as a recording tool rather than a notification of desired licensing.²²

Indeed, no commenter alleging that the public notice process is critical to the coordination process has provided any factual evidence to show that the public notice process is, in any way, instrumental to avert potential interference.²³

In fact, quite the opposite appears to be true. NYNEX, for example, states that:

Over the past ten years, NMCC has filed hundreds of applications for cellular and microwave

²¹ Indeed, the technical information provided in the public notices includes only the proposed frequency (but not polarization) and coordinates.

²² PacTel at 4.

²³ NSMA at 2.

facilities. Not a single application has been subject to a petition to deny based on claims of interference.²⁴

Similarly, Southwestern Bell observes:

SBC subsidiaries operate 792 PPMS facilities. Not once has an SBC subsidiary encountered frequency interference problems so severe as to require the intervention of the Commission. . . . SBC believes that its prior history in this regard is representative of the rest of the industry as well.²⁵

This record also comports with McCaw's own experience that the prior coordination process is essential to resolving potential interference and that public notice of specific facilities filings has little relevance to decreasing the potential for interference.

Finally, the experience with point-to-point temporary fixed licensees also demonstrates that blanket licenses can be used effectively and without interference to other users. Temporary fixed licensees have, for many years, operated facilities after frequency coordination, but without having their operations listed in any public notice. To the best of McCaw's knowledge, these operations have not resulted in rampant interference problems for existing systems.²⁶

Under the circumstances, the key to assuring non-interfering operation is the prior coordination process, not public notice of new or modified facilities. Because prior coordination is an

²⁴ NYNEX at 9.

²⁵ SWBT at 8-9.

²⁶ See also BellSouth at 3 n.2.

independent obligation of all PPMS licensees that must be undertaken before the filing of an application, rule modifications to implement a blanket licensing scheme for PPMS applicants proposing permanent facilities will not create the danger of interference to existing systems. Under McCaw's procedures, a carrier possessing a blanket authorization would not be authorized to commence service until it has filed an FCC Form 494 for the facilities in question; i.e., completed prior frequency coordination. This requirement will adequately ensure the continued integrity of the frequency coordination process.

IV. THERE IS SUBSTANTIAL SUPPORT FOR REVISIONS TO THE COMMISSION'S FORMS FOR PART 21 SERVICES

The Notice proposes to streamline the application forms for Part 21 services, but does not go far enough in some respects. McCaw and a number of other commenters set forth detailed recommendations on the proposed deletion of FCC Form 494A, the incorporation of FCC Form 430 into other Part 21 forms, the

A. The Record Supports Elimination of the FCC Form 494A To Certify Completion of Construction

McCaw agrees with commenters supporting the Commission's proposal to eliminate the use of FCC Form 494A to certify completion of construction.²⁷ At the same time, McCaw recognizes that the Commission and the frequency coordination community will need some means of determining which PPMS facilities have not been constructed to avoid tying up frequencies that are not in use. McCaw suggests, with other commenters, that permittees that have not constructed their proposed facilities within the allotted construction period should be required to notify the Commission using a simple letter filing. Rule modifications to implement such a procedure would significantly reduce the paperwork burden on both licensees and the processing staff, while ensuring that frequencies are not warehoused or abandoned unknown to other potential applicants.

B. Incorporation of FCC Form 430 Into Modified FCC Form 494 and New FCC Form 705

McCaw generally concurs with the Commission's announced goal of reducing burdens associated with the use of FCC Form 430. However, by incorporating the FCC Form 430 into the modified FCC Form 494 and the new FCC Form 705, the actual effect of the changes may be inadvertently to increase the burden on licensees

²⁷ McCaw at 20; OCOM at 2; PacTel at 6-7; SWBT at 12-13; Sprint at 4.

and applicants. McCaw's specific comments on the revised FCC Form 430 material are set forth in detail below.

As an initial matter, many commenters observed that, by incorporating the FCC Form 430 material into other forms, an annual filing requirement has been turned into an obligation that will arise whenever an application is filed for new or modified facilities or for a transfer of control or an assignment. Also, proposed Section 21.11(a) would require the submission of an updated FCC Form 494 for any change in licensee qualification information. This has the practical effect of increasing the paperwork required by the Commission.²⁸ Instead, the FCC Form 430 material should be modified by altering Item 29 on modified FCC Form 494, and inserting a similar text before item 19 on the new FCC Form 705, to state:

Does the applicant/assignee/transferee have current qualification information on file with the FCC (i.e., the applicant has provided revised information on items 29(a) through 29(m) on an FCC Form 494 or items 19 through 32 on FCC Form 705 filed with the Commission in the past year) and have no substantial changes have occurred?

If yes, please provide the file number of the application containing the applicant/assignee/transferee's last qualification information.

If no, please provide the file number of the application containing the applicant/assignee/transferee's last qualification information and complete any item from 29(a) through 29(m) [19 through 32] as applicable; however, if the application referenced was filed more than one year ago, please complete all of the referenced items.

²⁸ Bell Atlantic at 3; BellSouth at 5; GTE at 7; MCI at 4; PacTel at 9; SWB at 13-14; TSG at 10-12.

Proposed Section 21.11(a) should be similarly revised to permit annual filings of ownership and qualification information. In this manner, the filing obligations of licensees would not increase, would be updated on a more regular basis, and would contain complete qualification information at least every year.

In addition, the material from the FCC Form 430 incorporated into the modified FCC Form 494 and new FCC Form 705 could be simplified. In particular, McCaw and others have argued for the following modifications (references are made to the modified FCC Form 494 with references to the new FCC Form 705 in [brackets]):

- Item 29(b) [20], relating to licensee's principal business, should be deleted as unnecessary.²⁹
- Item 29(c) [21], relating to other activities of licensee's principals, should be deleted as unnecessary.³⁰
- Items 29(e), 29(g)(2), (3), (5) & (6) [23, 25(b), (c), (e) & (f)], relating to alien ownership and control, should be condensed into a single question.³¹
- Items 29(f) & (g)(1)(a) [24 & 25(1)], requiring the filing of partnership agreements & articles of incorporation, should be deleted as unnecessary.³²
- Items 29(h)(1) & (2) [26(a) & (b)], relating to identification of existing and old station licenses, should be deleted as unnecessary.³³

²⁹ BellSouth at A2.

³⁰ McCaw at 22; Bell Atlantic at 4.

³¹ SWBT at 16.

³² McCaw at 22-23; BellSouth at A2; TSG at 13.

³³ BellSouth at A2; TSG at 13.

- Item 29(j)(2) [28(b)], relating to conviction for crimes, should be conformed to convictions now subject to reporting on FCC Form 430.³⁴
- Item 29(m) [n/a], requiring public interest showing, should be deleted as duplicative of Item 22.³⁵

C. Revised FCC Form 494

The record also contains numerous suggestions for improving the revised FCC Form 494. General considerations offered by commenters regarding the new FCC Form 494 include:

- Several commenters request that the technical information should be kept on the first page, as it is now, instead of having it split over two pages.³⁶ McCaw supports this recommendation.
- The new form requires measurements in both feet and meters. A number of parties argue that the FCC should require one system of measurement, but not both, since the requirement is duplicative and enough space has not been provided to show both measurements.³⁷
- McCaw agrees with Comsearch that it would be useful to add a question for licensees to specify whether they are using the NAD 27 or NAD 83 database reference.³⁸
- A number of parties believe the FCC Form 155 information could be combined with the licensee identity information on page 1 and condensed onto the first page of the form, as is currently done with the existing FCC Form 494.³⁹

³⁴ BellSouth at A2.

³⁵ McCaw at 23; BellSouth at A2; SWB at 16.

³⁶ Bell Atlantic at 4; Comsearch at 6; WTCI at 7.

³⁷ Comsearch at 6; U S West at 12.

³⁸ Comsearch at 7.

³⁹ BellSouth at A1; SWB at 14-15.

Commenters also offered a number of suggestions regarding specific items on the modified FCC Form 494:

- The instruction sheet, under Item 4, should be corrected to read items 20-31 rather than 20-27.
- Item 12(b), requiring submission of site leases, should be deleted in favor of a general certification of site availability as is done in other services.⁴⁰
- Item 14(g), requiring an exhibit detailing terrain or other considerations affecting the shielding of an antenna structure from aircraft, apparently would be applicable only if the applicant is demonstrating exemption from FAA notification requirements under Section 17.14 of the Commission's rules. The item should be revised to so indicate.⁴¹
- Item 19, requiring an exhibit detailing maintenance procedures, should be deleted as unnecessary.⁴²
- Item 26, relating to subscriber affiliations, should be edited to clarify the text.⁴³
- Item 30, requiring a list of services in which the applicant is authorized, appears to serve no useful purpose and should be deleted as unnecessary.⁴⁴

D. Proposed FCC Form 705

In addition to proposing a modified FCC Form 494, the Notice proposes a new FCC Form 705 for applications to transfer control of Part 21 licenses and to assign Part 21 authorizations. In addition, the Notice proposes, and McCaw supports, allowing

⁴⁰ McCaw at 22; BellSouth at A1.

⁴¹ McCaw at 22.

⁴² McCaw at 22; BellSouth at A2.

⁴³ McCaw at 22.

⁴⁴ BellSouth at A3; SWB at 16 (but only if FCC Form 430 is retained).

applicants 60 days to complete transfers of control and assignments.⁴⁵ After reviewing the opening comments, McCaw suggests the following changes to limit unnecessary paperwork and streamline ownership changes:

- The FCC Form 155 material should be combined with licensee identification items on page 1 and condensed.⁴⁶
- Item 6, requiring the filing of articles of incorporation, should be deleted as unnecessary.⁴⁷
- Item 7, requiring a description of all stock shares for transfers of control, should be deleted as unnecessary.⁴⁸
- Item 8, requiring the filing of "any pertinent contracts, agreements, instruments, . . . court orders, etc.," should be deleted as unnecessary and potentially requiring the filing of confidential material.⁴⁹
- Item 11, regarding future issuances of stock following a transfer of control, appears to be unnecessary.⁵⁰
- Item 12, regarding obligations of licensee currently held by transferee, appears to be unnecessary.⁵¹
- Item 13, regarding state or local authorization required to transfer authorization, should be deleted as unnecessary.⁵²
- Items 14(b) & (c), regarding identification of the owner of facilities, if not the licensee, have not previously been required and should be deleted as unnecessary.⁵³

⁴⁵ PacTel at 9-10.

⁴⁶ BellSouth at A3.

⁴⁷ McCaw at 23; BellSouth at A3.

⁴⁸ BellSouth at A3.

⁴⁹ McCaw at 23; BellSouth at A3.

⁵⁰ BellSouth at A3.

⁵¹ BellSouth at A3.

⁵² BellSouth at A3.

⁵³ McCaw at 23-24; BellSouth at A3-A4.

- Item 15, regarding assignee's control over the station, should be revised to be a certification that assignee has unfettered use of all facilities, etc.⁵⁴
- Item 16, relating to financial responsibility for construction and operation, should be replaced by a certification.⁵⁵
- Item 17, regarding stock sales for capital to construct and operate facilities, appears to be unnecessary.⁵⁶
- Item 29, regarding further explanations for particular items, should be corrected to reference the proper items.⁵⁷
- Item 31, requiring a public interest statement, is redundant.⁵⁸
- Item 33, relating to affiliation with public landline message telephone service providers, should be deleted as unnecessary.⁵⁹

V. CONCLUSION

The record developed in this proceeding broadly supports the Notice's goals of reducing paperwork and expediting the delivery of Part 21 services to the public. In particular, the comments displayed uniform consensus that pre-authorization construction should be permitted, substantial evidence showing that a revised licensing scheme to improve inauguration of service is warranted, and a number of suggestions for further improvements to the

⁵⁴ BellSouth at A4.

⁵⁵ McCaw at 24; BellSouth at A4.

⁵⁶ BellSouth at A4.

⁵⁷ McCaw at 24.

⁵⁸ McCaw at 24.

⁵⁹ McCaw at 24; BellSouth at A4.

Commission's proposed new forms and procedures for Part 21 services. McCaw urges the Commission to act promptly on these suggestions and to adopt rule changes significantly streamlining the Part 21 procedures.

Respectfully submitted,

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