

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 90.75(c)(10))
of the Commission's Rules and)
Regulations to Permit Private)
Carrier Paging Licensees to)
Provide Service to Individuals)

PR Docket No. 93-38
RM-8017

To: The Commission

REPLY COMMENTS OF PAGEMART, INC.

PageMart, Inc. ("PageMart"), by its attorneys, submits these reply comments to reiterate its strong support for the Commission's proposal to enable paging licensees operating in the Business Radio Service at 929-930 Mhz to provide private carrier paging ("PCP") service to individual nonbusiness users, as well as to other currently eligible users. See Notice of Proposed Rulemaking, FCC 93-112, released March 12, 1993 ("NPRM").

The initial round of comments reveals nearly unanimous support for the Commission's proposal to make individuals without business purposes eligible to use PCP services. BellSouth Corporation ("BellSouth"), alone in its opposition, criticizes the proposed rule change solely because the NPRM does not also address what BellSouth perceives to be "unequal regulatory burdens" imposed upon common carriers. See BellSouth Comments at 6-7. None of the comments suggest that there is any statutory impediment

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to adoption of the proposal, or that the public interest would be ill-served by such action.

As the comments demonstrate, there are compelling reasons for eliminating the Part 90 eligibility restrictions. With the exception of the nonbusiness market, the paging industry is marked by intense competition, which has sparked technological innovation and steadily decreasing consumer prices. See, e.g., Paging Network, Inc. ("PageNet") Comments at 5. The dearth of competition among service providers in the nonbusiness segment must be remedied in the near term if, as most commenters agree, nonbusiness users are to be the main engine for future growth and technological advance. See, e.g., PageNet Comments at 9; Telocator Comments at 2.

The sole contrary voice is BellSouth's, which opposes the proposed amendment to the eligible user rules on the ground that, in its view, common carriers are overregulated. Assuming arguendo the truth of that allegation, that fact is inapposite to whether the public interest would be served by the relief for PCP carriers sought in this proceeding. If BellSouth desires to lighten its regulatory burden, it is free to file a petition for rulemaking with the Commission to accomplish that purpose.

It is worth noting that even BellSouth appears to acknowledge the benefits of competition in the paging

marketplace. See BellSouth Comments at 7. Nonetheless, BellSouth advocates preserving the status quo, for however long it takes for the Commission to deregulate common carrier paging companies to BellSouth's satisfaction. The Commission should not permit the instant proceeding to be held hostage to BellSouth's vague and self-serving plea.

The Commission also should note that BellSouth's support for the status quo is hardly representative of common carriers generally. Both PacTel Paging ("PacTel") and PassWord, Inc., which have both common carrier and PCP interests, actively support the Commission's proposed relaxation of eligibility restrictions. See PacTel Comments at 1; PassWord Comments at 1. Moreover, Radio Call Company, Inc., which apparently provides only common carrier paging services, also supports the relaxation of Part 90 eligibility rules; while Radio Call also calls for specific measures to reduce the regulatory burdens on common carriers, it does not suggest that the instant proceeding ought to be held hostage to that goal. See Radio Call Comments at 2-3. Thus, BellSouth's comments appear to represent little more than narrow self-interest, unrelated to the public interest considerations present in this case.

Finally, PageMart supports PacTel's suggestion that the Commission's proposed amendment to Part 90 may not go far enough. See PacTel Comments at 3-4. The elimination

of unnecessary user eligibility restrictions serves the public interest. This reasoning should extend to Pool 1, as well as Pool 2, frequencies, and would be consistent with the Commission's proposal in PR Docket No. 93-35 regarding exclusive channel licenses for 900 Mhz PCP systems. Therefore, PageMart encourages the Commission to adopt the additional relief proposed by PacTel.*'

*' PageMart believes that Sections 4(i), 303(a), 303(r)

CONCLUSION

Based on the foregoing, PageMart requests that the Commission adopt the new PCP eligible user regulations.

Respectfully submitted,

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