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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 30, 1993

Mr. William F. Caton
Acting Secretary of Federal
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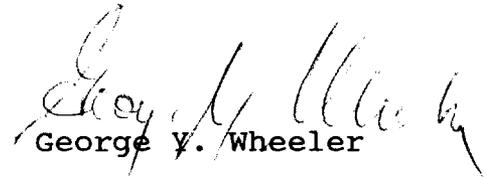
Re: Implementation of Section 309(j) of the Communications
Act - Competitive Bidding (PP Docket No. 93-253)

Dear Mr. Caton:

Transmitted herewith on behalf of American Paging, Inc.,
Inc. are an original and nine copies of its Reply Comments in the
above-captioned proceeding.

In the event that there are any questions concerning this
matter, please communicate with the undersigned.

Very truly yours,


George Y. Wheeler

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NOV 30 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of)
)
Implementation of Section 309(j))
of the Communications Act)
)
)
Competitive Bidding)
To: The Commission)

PP Docket No. 93-253

REPLY COMMENTS OF
AMERICAN PAGING, INC.

American Paging, Inc., on behalf of itself and its subsidiaries (collectively "API") herewith, by its attorneys, files its reply comments in the above-captioned proceeding.¹

In our comments,² we addressed the bid procedures which the Commission should adopt without making specific proposals with reference to licensing of narrowband PCS. We comment here on the proposals submitted by others, particularly to oppose use of sealed bidding and combinatorial bidding options for narrowband PCS, and to present an alternative proposal for the sequence of auctions. We believe that our alternative proposal more nearly meets the Commission's broad design criteria for implementing

¹ A list of parties filing Comments in these proceedings, including the abbreviated names used for reference in these Reply Comments, is Attachment A hereto.

² The comments of API are included in the comments of Telephone and Data Systems, Inc. filed on November 10, 1993.

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competitive bidding for narrowband PCS than any of the previously filed proposals.

Discussion

1. Principles for Determining Whether a License Should Be Auctioned.

We strongly support the numerous commenters who argued for the exclusion of licenses for intermediate link facilities from competitive bidding selection. Licensing of control stations including fixed point-to-point or point-to-multipoint stations used to control remote base stations should continue under the Commission's established policies.

2. Design of Auction Methods.

We agree with the many commenters who have described the public interest benefits of encouraging opportunities for widespread and diverse participation in promising new mobile services. In order to accomplish this important objective, the Commission has rightfully identified the need for bid procedures that are "simple and easy to administer," avoid "unnecessary complexity," and "minimize costs to applicants."³ The proposed auction methods for narrowband PCS which we support meet these important objectives.

a. Proposed Bidding Method

The comments demonstrate overwhelming support for our ascending bidding as the Commission's basic auction method.

³ Competitive Bidding NPRM, ¶ 18.

Among the commenters addressing specific auction proposals for narrowband PCS licensing, Arch, McCaw and Pagenet presented compelling arguments for use of oral/open ascending bidding. We agree that this bidding method should be the only method used for narrowband PCS and that the Commission should reject use of sealed bids.

b. Sequence of Bidding.

The sequence of the bidding is another area where the Commission should rightfully be concerned about adopting policies which promote widespread and diverse participation.

The basic approach that we support for narrowband PCS is based upon open (oral or electronic) ascending bidding methodologies starting with the largest geographic areas. Our proposed sequence for the narrowband PCS auctions is set forth in Attachment B hereto.

Nationwide licenses would be subdivided into license categories i.e 50 KHz paired with 50 KHz, 50 KHz paired with 12.5 KHz, and 50 KHz unpaired, with all licenses in each such category simultaneously auctioned. The high bidders corresponding to the number of available licenses would be declared the winning bidders. Each bidder within this group would be permitted to select the specific frequency for the license award in descending order starting with the bidder submitting the highest winning bid.

MTA licensing would be handled in much the same way as nationwide licensing. Licensing would start with the largest

MTAs in descending order by population size. The licenses for a specific license category within a particular MTA would be simultaneously auctioned. The determination of winning bidders and the selection by those winning bidders of specific frequencies for license award would follow the same basic model described above.

We believe that the BTA licensing (other than the 12.5 KHz unpaired licenses) should be sequenced so that the BTAs within an MTA should be auctioned together. We also propose that the Commission proceed starting with the BTAs in the largest MTA market, i.e. New York, in descending order. The individual BTAs in each market would be auctioned simultaneously for a specific license category in any or all of the BTAs in that grouping. As above, there would be an individual auction covering all licenses in each license category. The determination of winners and the selection of specific frequencies would generally follow the procedures outlined in our discussion of nationwide licensing.

In case of 12.5 KHz unpaired licenses, the Commission might consider licensing these PCS licenses on the basis of regional groupings such as the New England, Mid-Atlantic, Southeastern U.S. and other comparable regions.

c. Bidding for Groups of Licenses.

We strongly encourage the Commission to reject all combinatorial bidding for narrowband PCS licenses. The Commission has provided licensing opportunities ranging from nationwide to local and suitable opportunities to aggregate spectrum up to

the limits established in its rules.⁴ The Commission is correct in its tentative conclusion that combinatorial bidding options would unnecessarily complicate and destabilize licensing choices in this radio service.

3. Treatment of Designated Entities

We support adoption of the Commission's proposal in the case of narrowband PCS "to allow all designated entities to use installment payments with interest for payment of their bids."⁵

Conclusion

We have proposed adoption of bidding methods for narrowband PCS which balance the Commission's objective to encourage widespread and diverse participation in the auctions for this service and to obtain orderly and prompt selection of the winning bidders. Use of simultaneous open (oral or electronic) ascending

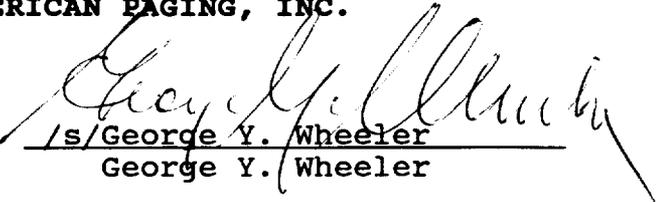
⁴ Competitive Bidding NPRM, ¶ 120.

⁵ Id. at ¶ 122.

bidding is an essential element of the auction procedures to accomplish these objectives. We oppose use of sealed bidding and any form of combinatorial bidding for narrowband PCS licensing.

Respectfully submitted,

AMERICAN PAGING, INC.

By  /s/George Y. Wheeler
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November 30, 1993

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I, Abbie Weiner, a secretary in the law firm of Koteen & Naftalin, do hereby certify that a copy of the foregoing "Reply Comments of American Paging, Inc.", was sent by first class U.S. mail, postage prepaid, on this 30th day of November, 1993 to the offices of the following:

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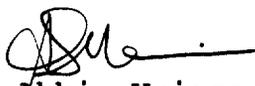
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