

this proceeding prevent a thorough analysis of the form. Several commenters have identified changes that should be made to the form,107/ but Nextel does not believe that this proceeding offers the most conducive process for perfecting the form. Nextel, therefore, agrees with McCaw's proposal to subject the form to joint Commission staff and industry member discussions subsequent to the Commission' action in this proceeding.108/

#### VII. CONCLUSION

Nextel has carefully reviewed the comments filed in this proceeding and has found almost unanimous opposition to the proposed CMRS spectrum cap. The Commission has no basis upon which to justify the cap. There currently is no operating CMRS market -- many of the players are new, not-yet-licensed participants -- while others are in the process of developing their systems. Under these circumstances, any attempt to impose a general CMRS cap is pure speculation at this time. Likewise, there is no evidence to support the imposition of a service-specific spectrum cap on ESMRs in light of ESMRs' recent entry into the market and lack of market power.

Competitive symmetry among CMRS providers -- particularly wide-area providers -- requires that the Commission issue wide-area, MTA-based licenses to ESMR licensees similar to the wide-area licenses provided for cellular and PCS. Nextel reiterates herein

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107/ See, e.g., Comments of McCaw at p. 32; Comments of NABER at p. 38.

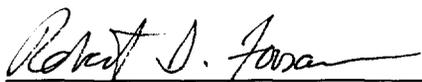
108/ Comments of McCaw at p. 32.

its proposal to set aside for ESMR block licensing the SMR channels numbers 401-to-600 and to retune existing non-ESMR operators on these channels to other 800 MHz private mobile radio channels.

Finally, Nextel supports the Commission's attempts to streamline its technical and operating rules by eliminating those that are unnecessary and outdated. The Commission should, however, retain the current flexibility provided ESMRs so they can continue to develop and expand their systems in a manner that ensures rapid deployment of enhanced telecommunications services to the public.

Respectfully submitted,

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Dated: July 11, 1994

## CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 11th day of July, 1994, I caused a copy of the attached Reply Comments to be served by hand delivery or first-class mail, postage prepaid to the following:

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