

93-252

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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August 15th, 1994

Federal Communications Commission
1919 M. Street, NW
Washington, DC 20554

Dear Commissioner:

As a management consulting firm which manages cellular and SMR communications companies, DCL Associates, Inc. ("DCL") read the FCC's August 9th News Release regarding GN Docket 93-252 with great concern. While the News Release announces the suspension of acceptance of new 800 Mhz SMR applications, it does not address the issue of currently pending 800 Mhz applications, many of which have been on file since the fall of 1993. Presumably, the News Release does nothing to alter the current course of processing 800 Mhz applications already on file. However, various industry sources indicate that, as of August 9th, the processing of pending applications has been suspended and, further, that the Commission is considering the return of all pending 800 Mhz SMR applications.

Those companies with pending 800 Mhz SMR applications have invested substantial time and money to file such applications in reliance on well-established rules and procedures. To consider a retroactive rule change and the return of pending applications would be unjust and a violation of the established rights of pending applicants. Such a return of pending applications would, undoubtedly, encounter stiff legal opposition, resulting in further delays in licensing the SMR and/or ESMR industry.

In its discussion of 900 Mhz MTA based licensing (presumably a precedent for 800 Mhz MTA based licensing), the News Release states that "MTA based licensees would be required to protect incumbents..". The Commission must ensure that the same protection afforded to incumbent licensees is also afforded to incumbent applicants. The difference between existing licensees and pending applicants is only one of timing.

As a management consulting firm, as well as an SMR licensee, DCL beseeches the Commission to protect the rights of pending 800 Mhz SMR applicants and to ensure that their applications are processed according to the rules under which they were filed. In today's changing wireless industry, prospective licensing changes are inevitable, but retroactive changes are unjust and will result in a loss of public confidence in the government and all its licensing processes.

Sincerely Yours,


Dean C. Lovett
President

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