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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Implementation of Sections 3(n) ) Gen. Docket No. 93-252  
and 332 of the Communications Act )  
 )

TO: The Commission

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PARTIAL OPPOSITION OF APC TO  
PETITION FOR RECONSIDERATION OF  
McCAW CELLULAR COMMUNICATIONS, INC.

American Personal Communications ("APC")<sup>1/</sup> hereby  
opposes the petition for reconsideration filed by McCaw  
Cellular Communications, Inc. ("McCaw") in the above-  
referenced docket on December 21, 1994 insofar as it requests  
any modification to the antenna height and power rules  
applicable to cellular and broadband personal communications  
services ("PCS").

In its Petition, McCaw claims that the Commission  
"declined" to "promote parity across various services that  
make up CMRS" "with respect to the standards for maximum power  
limits" for cellular and PCS. Petition, p. 10. This  
statement is flatly incorrect and should not, at any rate, be  
considered in this docket. The Commission's decisions in the  
PCS docket have taken into consideration the appropriate  
technological differences between cellular and PCS; if

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<sup>1/</sup> American PCS, L.P., d/b/a American Personal  
Communications. This Opposition is timely filed. See 60 Fed.  
Reg. 1776 (Jan. 5, 1995).

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anything, the power and height limitations favor cellular, not PCS. The limitations should be retained.

First, McCaw's claims are simply contrary to the engineering facts applicable to cellular and PCS. McCaw incorrectly implies that PCS has more than three times the maximum transmit power of cellular -- it claims that PCS has been authorized a maximum transmit power of "1640 Watts" but fails to disclose that this figure refers to effective isotropic radiated power ("EIRP"), not effective radiated power ("ERP"). In fact, the Commission has authorized a maximum transmit power for cellular of 500 watts ERP and has authorized a maximum transmit power for PCS of 1000 watts ERP. This difference in maximum output power translates into a 3 db increase in transmit power for PCS over cellular.

But the fact that the numbers are different does not, as McCaw alleges, mean that PCS has any advantage over cellular. Cellular operates in the 800 MHz band, and PCS operates in the 2 GHz band. Accordingly, PCS base stations are transmitting in a frequency band that is more than 1,000 MHz higher than the cellular frequency band. Transmission at a higher frequency results in higher signal propagation loss. In the case of a PCS-cellular comparison, the signal propagation loss at 2 GHz is substantial. A direct calculation of the best-case path-loss of a PCS base station operating at 1930 MHz and a cellular base station operating at 870 MHz results in the PCS base station experiencing 7 db more

path loss. Thus, even with the PCS base station operating at 3 db more output power than a cellular base station, the cellular base station has a net 4 db advantage over PCS in signal propagation. The cellular base station can therefore cover significantly more geographic area than a PCS base station. Any advantages in the relative maximum power allowances for PCS and cellular run directly to cellular -- not to PCS.

By allowing PCS licensees to transmit at an appropriately higher ERP, the Commission has attempted to close the significant gap in signal propagation between PCS and cellular and therefore promote parity across services. Lowering the maximum PCS output power or raising the maximum allowed cellular transmit power would increase, not decrease, the technical gap between cellular and PCS and promote disparity, not parity, between the two services.

Second, it is procedurally inappropriate for McCaw now to file what is, in effect, an exceptionally late petition for reconsideration of the Commission's proper decision concerning PCS output power in Gen. Docket 90-314. That decision has been final for months, and numerous parties -- including bidders in the ongoing auction -- have justifiably relied on that decision. This docket does not provide a vehicle for untimely reconsideration of final Commission decisions under the guise of seeking "regulatory parity." The

Commission's cellular and PCS maximum transmit power decisions should stand.

Respectfully submitted,

AMERICAN PERSONAL COMMUNICATIONS

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January 20, 1995

CERTIFICATE OF SERVICE

I, Kurt A. Wimmer, hereby certify that a copy of the foregoing pleading has been sent by first class mail addressed to the following on this 20th day of January, 1995:

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