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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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JAN 30 1995
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of	
Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services	CC Docket No. 92-115
Amendment of Part 22 of the Commission's Rules to Delete Section 22.119 and Permit the Concurrent Use of Transmitters in Common Carrier and Non-Common Carrier Service	CC Docket No. 94-46 RM 8367
Amendment of Part 22 of the Commission's Rules Pertaining to Power Limits for Paging Stations Operating in the 931 MHz Band in the Public Land Mobile Service	CC Docket No. 93-116

To: The Commission

REPLY COMMENTS OF AIRTOUCH PAGING

AirTouch Paging hereby submits its reply comments with reference to the petitions for reconsideration and/or clarification filed on or about December 19, 1994 in response to the Report and Order in the above-captioned proceeding.[1/] In reply, the following is respectfully shown:

1. AirTouch Paging was a party to comments in this proceeding that supported certain petitions for

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1/ CC Docket No. 92-115, released September 9, 1994 ("Part 22 Rewrite Order").

reconsideration in this docket.[2] Specifically, AirTouch Paging supported the requests for the following changes in the new rules: (a) Public Mobile Service licensees should be able to share transmitters; (b) the requirement that licensees initiate service to the public prior to the expiration date of the authorization for the first transmitter of a wide-area system should be relaxed; (c) the moratorium on reapplying for expired channels should be modified; (d) the pre-existing 931 MHz licensing rules should be applied to all previously filed applications; (e) the definition of a "new station" application should be conformed to prior case precedent rather than using the 2 kilometer standard; (f) the additional channel policies should be liberalized; and (g) pro forma ownership change filing procedures, affiliate list requirements and microfiche requirements should be relaxed.

2. Comments on the various reconsideration petitions were filed by eight parties in addition to AirTouch.[3] A review of these comments reveals no

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[2] See Joint Comments of AirTouch Paging and Arch Communications Group on the Petitions for Reconsideration, filed January 20, 1995.

[3] See Comments by C-Two-Plus Technology, Inc. ("C2+"), Opposition by Cellular Telecommunications Industry Association ("CTI"), Comments and Opposition by GTE Service Corporation ("GTE"), Comments by Matsushita Communications Industrial Corporation of America ("Matsushita"), Comments by McCaw Cellular Communications, Inc. ("McCaw"), Opposition by MTC (continued...)

disagreement on the specific points to which AirTouch Paging addressed its comments.[4] Indeed, several filers have submitted comments that echo the views expressed by AirTouch Paging. For example, GTE concurs that Section 22.108 of the rules regarding real party in interest disclosures should be narrowed to limit the information on affiliates to those engaged in the Public Mobile Services.[5] GTE, McCaw and Sprint all support the adoption of a streamlined approach for pro forma assignments and transfers.[6] ProNet supports the view that all outstanding applications and pleadings involving 931 MHz paging application should be resolved under pre-existing rules and case precedents rather than being subjected to new rules retroactively applied.[7] These comments are consistent with the positions advocated by AirTouch Paging, and should be viewed as reflecting an emerging consensus on these issues.

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[3] (...continued)
Communications ("MTC"), Partial Opposition by ProNet, Inc. ("ProNet"), and Opposition by Sprint Corporation ("Sprint").

[4] Many of the comments address cellular licensing rules, and the provisions regarding electronic serial numbers which are unrelated to the matters of concern to AirTouch Paging. See, e.g., comments of C2+, CTIA, Matsushita, and MTC Communications.

[5] GTE Comments, Section II.A.

[6] GTE Comments, Section II.D, McCaw Comments, Section iv, Sprint Opposition, p.2.

[7] ProNet Opposition, p. 4.

3. The most detailed comments addressing issues of interest to AirTouch Paging were those of ProNet. ProNet is opposing in part the Petition for Reconsideration filed by Paging Network, Inc. ("PageNet") which sought, inter alia, changes in 931 MHz licensing procedures. PageNet had proposed a licensing scheme in which 931 MHz applications were divided into three different processing categories depending upon the filing and/or public notice date and their mx status.[8] ProNet finds acceptable PageNet's proposal for the processing of applications in categories I and III, but objected to the proposal for processing applications in PageNet's category II.[9] Particularly, ProNet is opposed to any procedure that would allow the Commission to avoid ruling on outstanding petitions for reconsideration of 931 MHz applications based upon pre-existing procedures.[10]

4. AirTouch Paging has no applications in PageNet's category II, and thus will not be directly affected whether or not the PageNet proposal for this particular subset of applications is adopted. AirTouch Paging is concerned, however, that the dispute between ProNet and PageNet on this issue could be misread by the

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[8] See PageNet Petition at p. 4.

[9] Category II consisted of mutually exclusive applications or contested applications placed on public notice prior to October 26, 1994.

[10] ProNet Opposition, p. 4.

Commission as reflecting greater diversity of opinion in the industry than actually exists. Virtually all of the comments on 931 MHz licensing procedures, including those of ProNet and PageNet, reflect a common theme that the rules should not be altered as drastically as proposed in the Part 22 Rewrite Order. In resolving the opposing positions of PageNet and ProNet, the Commission should not lose sight of the fact that there is indeed a general consensus that the prior 931 MHz licensing procedures should be retained to the maximum extent practicable.

5. In sum, based upon the foregoing, the Commission may proceed with its further consideration of the Part 22 rules knowing that the record of the proceeding supports reconsideration on the matters of concern to AirTouch Paging.

Respectfully submitted,

AIRTOUCH PAGING

By: Carl W. Northrop
Its Attorneys
Bryan Cave
700 13th Street, N.W.
Suite 700
Washington, D.C. 20005

Mark A. Stachiw
AirTouch Paging
Three Forest Plaza
12221 Merit Drive, Suite 800
Dallas, Texas 75251

January 30, 1995

CERTIFICATE OF SERVICE

I, Carolyn M. Floyd, hereby certify that I have this 30th day of January, 1995, caused copies of the foregoing **Reply Comments of AirTouch Paging** to be delivered by hand, courier charges prepaid, or by first-class U.S. mail, postage prepaid, to the following:

*Rosalind Allen
Acting Chief
Commercial Radio Division
Federal Communications Commission
2025 M Street, N.W.
Washington, D.C. 20554

*David Furth
Acting Deputy Chief (Legal)
Commercial Radio Division
Federal Communications Commission
2025 M Street, N.W.
Washington, D.C. 20554

Kathryn A. Zachem
Kenneth D. Patrich
Wilkinson, Barker, Knauer & Quinn
1735 New York Avenue, N.W.
Washington, D.C. 20006
Counsel for AirTouch
Communications, Inc.

David A. Gross
Kathleen Q. Abernathy
Airtouch Communications, Inc.
1818 N Street, N.W.
Washington, D.C. 20036
Counsel for AirTouch
Communications, Inc.

Donald M. Mukai
U.S. West NewVector Group, Inc.
3350 - 161st Avenue, S.E.
Bellevue, WA 98008
Counsel for AirTouch
Communications, Inc.

Ellen S. Mandell
Pepper & Corazzini, L.L.P.
200 Montgomery Building
1776 K Street, N.W., Suite 200
Washington, D.C. 20006
Counsel for Alpha Express

Dennis Myers, Vice President and
General Counsel
2000 West Ameritech Center Drive
Location 3H78
Hoffman Estates, IL 60195-5000
Counsel for Ameritech

Lawrence W. Katz
1710 H Street, N.W.
Washington, D.C. 20006
Counsel for Bell Atlantic

L. Andrew Tollin
Michael Deuel Sullivan
Robert G. Kirk
Wilkinson, Barker, Knauer & Quinn
1735 New York Ave., N.W., Suite 600
Washington, D.C. 20006

Counsel for BellSouth Corporation

William B. Barfield
Jim O. Llewellyn
BellSouth Corporation
1155 Peachtree Street, N.E.
Atlanta, Georgia 30309-3610
Counsel for BellSouth Corporation

Charles P. Featherstun
David G. Richards
BellSouth Corporation
1133 21st Street, N.W.
Washington, D.C. 20036
Counsel for BellSouth Corporation

Timothy J. Fitzgibbon
Thomas F. Bardo
Carter, Ledyard & Milburn
1350 I Street, N.W., Suite 870
Washington, D.C. 20005
Counsel for C-Two-Plus Technology

Thomas J. Casey
Antoinette Cook Bush
David H. Pawlik
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005
Counsel for CCPR

John Mitchell
Cellular Paging Systems, Inc.
2133 West Marshall Street
Richmond, Virginia 23230

Frederick M. Joyce
Christine McLaughlin
Joyce & Jacobs
1019 19th Street, N.W.
Fourteenth Floor
Washington, D.C. 20036
Counsel for Celpage and Metrocall

Gerald S. McGowan
George L. Lyon, Jr.
Lukas, McGowan, Nace & Gutierrez
1111 19th Street, N.W., Suite 1200
Washington, D.C. 20036
Counsel for Dial Page and PCS

David C. Jatlow
Young & Jatlow
2300 N Street, N.W.
Washington, D.C. 20037
Counsel for The Ericsson Corp.

Andre J. Lachance
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036
Counsel for GTE

William A. Doyle
President
InterDigital Communications Corporation
2200 Renaissance Blvd. Suite 105
King of Prussia, PA 19406

M.C. Stephan
5002 Mussetter Road
Ijamsville, Maryland 21754

Harold Mordkofsky
John A. Prendergast
Blooston Mordkofsky Jackson &
Dickens
2120 L Street, N.W.
Washington, D.C. 20037
Counsel for the Part 22 Licensees

Cathleen A. Massey
Senior Regulatory Counsel
McCaw Cellular Communications, Inc.
1150 Connecticut Ave., N.W.
4th Floor
Washington, D.C. 20032

Gene P. Belardi
Vice President and Regulatory
Counsel
2101 Wilson Boulevard
Suite 931
Arlington, Virginia 22201
Counsel for Mobilemedia
Communications

Grier C. Raclin, Esq.
Francis E. Fletcher, Esq.
Anne M. Stamper, Esq.
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
Counsel for TIA

M.G. Heavener
President
MTC Communications
Box 2171
Gaithersburg, Maryland 20886

Tom A. Lippo, Esq.
FACT Law Group
412 First Street, S.E.
Suite One -- Lobby Level
Washington, D.C. 20003
Counsel for Nokia

Louise Cybulski
Pepper & Corazzini, L.L.P.
200 Montgomery Building
1776 K Street, N.W., Suite 200
Washington, D.C. 20006
Counsel for Pac-West

James F. Rogers
Raymond B. Grochowski
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004
Counsel for Page America

Judith S. Ledger-Roty
Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036
Counsel for Paging Network

David L. Hill
Audrey P. Rasmussen
O'Connor & Hannan
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20006
Counsel for Paging Partners and
Source One

Louis Gurman
Andrea S. Miano
Doane F. Kiechel
Jerome K. Blask
Jeanne M. Walsh
Gurman, Kurtis, Blask & Freedman,
Chartered
1400 16th Street, N.W., Suite 500
Washington, D.C. 20036
Counsel for Palouse Paging and Sawtooth
Paging, ProNet and Western Wireless

Mark J. Golden
Personal Communications Industry
Association
1019 19th Street, N.W., Suite 1100
Washington, D.C. 20036

Steve Jones
Sound & Cell
2925 W. Navy Blvd.
Pensacola, FL 32505

Wayne Watts
Vice President and General Attorney
Bruce E. Beard, Esquire
SouthWestern Bell Mobile
Systems, Inc.
17330 Preston Road
Suite 100A
Dallas, TX 75252

Thomas J. Dougherty, Jr.
Francis E. Fletcher, Jr.
Gardner Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
Counsel for Sussex Cellular

Carl W. Northrop
E. Ashton Johnson
Bryan Cave
700 Thirteenth Street, N.W.
Suite 700
Washington, D.C. 20005-3970
Counsel for Triad Cellular

CellTek Corporation
4647T Hwy. 280 E., Ste. 260
Birmingham, AL 35242

Carolyn M. Floyd

Carolyn M. Floyd

* Via hand delivery