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WILEY, REIN & FIELDING

1776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

ROBERT J. BUTLER
(202) 429-7035

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UR

March 23, 1995

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: PP Docket No. 93-144
PP Docket No. 93-253

Dear Mr. Caton:

In accordance with Section 1.1206(a)(2) of the Commission's Rules, 47 C.F.R. § 1.1206(a)(2) (1991), this is to notify the Commission that on March 23, 1995, a copy of the attached summaries was sent to each of the following persons: Rosalind Allen, D'wana Speight, David Furth, Gregory Rosston, and Sally Novak.

Should you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

Robert J. Butler

RJB:daj
Enclosure

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SUMMARIES OF REPLY COMMENTS RESPONDING TO THE FURTHER NOTICE OF PROPOSED RULEMAKING PP DOCKET NO. 93-144 PP DOCKET NO. 93-253

R. Michael Senkowski
Robert J. Butler
Suzanne Yelen
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 429-7000

March 23, 1995

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FORWARD

On November 4, 1994, the FCC released its Notice of Proposed Rulemaking on the licensing of Specialized Mobile Radio (SMR) systems in the 800 MHz band. Comments were filed on January 5, 1995. Reply comments were filed on March 1, 1995 and are briefly summarized herein, arranged alphabetically by company or organization name.

We have done our best to represent each commenter's positions accurately on a range of issues within one or two pages and in a consistent format. Due to space and time constraints, however, many supporting arguments have been truncated and rephrased to conserve space. Accordingly, in all cases, it is highly advisable to review the actual commenter's text. All summaries have page references to the actual commenter's text.

ADVANCED MOBILECOMM, INC.

- SMR service provider

Allocation Issues

- Supports the proposal to divide the upper 200 SMR channels into four 50 channel blocks. (2)

- The majority of commenters support multiple licenses in each market. A single license in each market would preclude competition in the provision of wide-area SMR services. (2)

- The Commission's rules should not restrict a single licensee from holding more than one wide-area license in any market. Hence, an applicant should be free to acquire all channel blocks in a given market. (3)

- The Commission should issue licenses by BEAs. (3)

  - Many well-qualified operators would be precluded from becoming licensees under an MTA system. Conversely, the large number of licenses that would result from licensing over MSAs and RSAs would balkanize wide-area SMR operation and encumber the ability of licensees to attain economies of scale. (3-4)

  - The MSA and RSA boundaries do not capture natural wireless markets as well as the BEAs. (4)

  - The costs of consolidation to obtain licenses across MSAs and RSAs could be prohibitive, as well as the administrative costs of issuing thousands of MSA and RSA licenses. (4)

Incumbent Rights and Obligations

- Any action taken with respect to specific license grants requires full Section 316 modification of license due process. Otherwise, licensees are entitled to continue to construct and operate their systems in accordance with their license terms. (4)

- Existing licensees and pending applicants have expended many resources. The limited amount of spectrum that might be recaptured through modifying or canceling existing authorizations and dismissing pending applications simply cannot be justified. (5)

THE AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.

- Nationwide, non-profit association dedicated to the interests of the former private carrier industry, whose members include trunked and conventional 800 MHz and 900 MHz SMRs, licensees of wide-area SMR systems, and commercial licensees in the 220-222 MHz band

Allocation Issues

- Agrees with the FCC that geographic-area licensing is preferable to site-specific -- SMR operators seeking to provide efficient, wide-area service are severely hampered by site-specific, frequency-by-frequency licensing while no other broadband CMRS service is similarly burdened. (17)

- After extensive discussion with large and small SMR operators and FCC staff, continues to urge the Commission to use BEAs for future SMR licensing in both the upper and lower portions of the 800 MHz band. Due to their number, size, and configuration, BEAs will meet most effectively the needs of wide-area and traditional SMRs. (17)

- BEAs are developed along commuting patters, with home and work locations grouped into one geographic area and thus, are ideal for mobile wireless licensing. Urges the Commission to employ the same size geographic area for both wide-area and local licensing, which will ensure that no part of the SMR band is classified as "second class" or given less value. (17-18)

- Has revised its initial view of the optimal division of the upper 10 MHz of SMR spectrum. AMTA initially supported the proposal to reallocate the upper 200 channels for large-block use and the proposed division into 50-channel blocks. It now supports OneComm's proposal of two channel blocks for large-block use -- one of 120 channels and one of 80 channels -- both of which could be aggregated by a single licensee. Authorizing only two blocks per BEA will reduce the number of licensees with which existing operators must negotiate for relocation. OneComm's proposed blocks are sufficiently large to accommodate future generations of equipment and will better equip SMR operators to compete with other wireless services. (18-19)

Auction Issues

- Opposes auctions for large-block SMR licenses and most certainly for local SMR authorizations. Is not persuaded that the Commission has statutory authority to award 800 MHz SMR licenses via competitive bidding, and urges the Commission to give serious consideration to the adoption of rules that avoid mutual exclusivity wherever possible as directed by Congress. (28)

- Agrees with the Commission that, if auctions are used for the large-block licenses, they should employ the simultaneous multiple round model in view of the interdependency among the licenses being auctioned and their high value. (29-30)

- The optimal model should the agency use auctions for local licenses, over the vehement objections of the industry, is less obvious. Does not dispute the Commission's assessment that the use of single round sealed bids is simpler and less costly for small operators, but suggests that some grouping of frequency blocks and geographic areas might be necessary if the Commission decides to issue local licenses on a geographic basis. It is likely that local SMR operators will attempt to secure the use of their channels within every BEA in which they are currently providing service on the particular frequencies in question -- this may necessitate participation in multiple auctions in neighboring BEAs, with a "win" only if all such areas are acquired. (30-31)

- Agrees with the Commission that appropriate measures are needed to ensure that only serious, qualified bidders participate in auctions. Supports substantial upfront and downpayments for large-block bidders similar to the PCS model, and endorses substantial economic penalties for defaults between auction and licensing, as well as adoption of bid withdrawal, default and disqualification rules consistent with those applicable to PCS. (31)

- Also urges the Commission to adopt rules freely permitting the partitioning of large-block licenses, both by frequency blocks and by geographic areas, as long as construction and coverage requirements are satisfied. Such flexibility in post-auction partitioning will encourage development of bidding consortia of smaller operators otherwise unable to participate. (31-32)

- Recommends against adoption of rules, similar to those in PCS, aimed at promoting participation in 800 MHz SMR auctions by Designated Entities and/or Entrepreneurs' set asides. Notes initially that the entire issue of Designated Entity set asides is under challenge and that, because of differences between PCS and SMR services (namely, that the SMR spectrum is already heavily occupied), it is advisable to incorporate preferential provisions for existing operators, most of whom are smaller than the smallest proffered definition of "Small Business." (32-33)

- Recommends against a set-aside for an "Entrepreneurs' Block" because there is no spectrum for this purpose and because entrepreneurs that should be entitled to a preference in the assignment of 800 MHz spectrum are existing SMR operators. (33)

- Urges the Commission to award bidding or other appropriate preferences to existing SMR operators seeking to expand current operations. These

preferences would be limited to licensees proposing to expand existing SMR systems or to add facilities within the same BEA or a BEA contiguous to one in which the bidder currently provides service. (33)

MTA/BEA License Rights and Obligations

- In view of the likelihood that new generations of technology will be implemented to provide SMR services, urges the FCC to require open architecture for large-block systems. New technologies must be widely available to encourage interoperable systems that meet customer service demands. Operators should not be bound to any particular technology -- however, open architecture requirements would encourage competition by making the same technology available to all licensees. (19-20)

Incumbent Rights and Obligations

- Recognizes that the rights of wide-area and incumbent local SMR systems is an issue of vital importance to virtually all members of the 800 MHz SMR community. While AMTA is unable to endorse fully the recommendations of various parties and instead developed its own proposal, it is committed to working with other parties to craft a regulatory scheme that further balances the interests of the 800 MHz community. (8-9)

- Does not support Nextel's plan because a six-month voluntary period, followed by mandatory negotiations, is too brief from the incumbents' perspective and would deprive existing licensees of a reasonable negotiating opportunity. In addition, Nextel's approach fails to address the necessity of preserving the integrity of incumbents' integrated systems. Wide-area licensees should not be allowed to devalue competitors' businesses by retuning facilities on a selective frequency-by-frequency or station-by-station basis. (10-11)

- Is in fundamental agreement with SMR WON's objectives but not with its proposed methods, which AMTA considers unworkable. It would be optimal if an appropriately-sized block of contiguous spectrum could be assigned for wide-area SMR systems with remaining spectrum for BEA-wide licenses for market incumbents, Designated Entities and retunees. There is, however, no practical way to create the proposed Relocation Pool in view of the frequency congestion that exists on all 800 MHz spectrum -- nor has SMR WON addressed how the costs of implementing its proposal would be borne. If the Commission can identify the pool of spectrum desired by SMR WON or a practical approach to creating such a pool, AMTA would discuss the matter further. (12-14)

- Recognizes PCIA's desire to adopt a regulatory process that awards preferences to existing licensees, but cannot endorse a licensing approach that

further disjoins the fragmented 800 MHz SMR licensing process and that, as a result, does not promote the development of SMR as a broadband competitor to cellular and PCS. Also notes practical difficulties in the implementation of PCIA's proposed plan -- the proposed 10-channel grants would result in an increased administrative burden for the Commission and licensees, and would substantially delay implementation of competitive wide-area SMRs. (15-16)

- Believes that its compromise proposal would reward licensees choosing to relocate to other channels, allow other operators to continue operating on current channels for a reasonable period, encourage large-block licensees to negotiate with incumbents, and encourage market forces to drive the relocation process before government intervention is required. (20)

- Urges the Commission to require each large-block licensee to notify all incumbents of its wish to retune the incumbent system to other channels. Notification should be required within six month after the large-block licensee's selection. Incumbents not notified within this period would not be subject to any future reconfiguration requirements. (21)

- The FCC should mandate the following guarantees for any incumbent agreeing to reconfiguration within the first year after large-block grant:

  - Full cost compensation for reconfiguration and channel-for-channel comparable spectrum in the 800 MHz SMR band. If the large-block licensees cannot provide this, no reconfiguration would occur at any time;

  - FCC tax certificates;

  - prospective 70-mile co-channel protection (no future short spacing of the incumbent's system on the new channels);

  - current 70-mile co-channel protection on the new channels wherever possible while affording protection to existing operators;

  - transferability of all guarantees to third parties in the event of an assignment or transfer of the system;

  - all channels within the large block licensed to a single entity must be reconfigured -- no selective choice of individual channels or stations or drawn-out reconfiguration unless all parties agree. (22-23)

- Incumbents volunteering for reconfiguration during the first year after large-block license grant that are ultimately retuned would be allowed these guarantees at a minimum, regardless of when the incumbent system is actually

retuned. These minimum guarantees would not prevent the parties from agreeing to additional measures, such as additional channels or cash premiums. In addition, all parties involved in reconfiguration negotiations should be entitled to full benefit of the Commission's ADR procedures. (23 & n.32)

- Recommends that large-block licensees "earn" mandatory reconfiguration of remaining channels through consolidation of a large percentage of licensed channels on a voluntary basis.

  - If the large-block licensee is able to make a showing to the FCC that it has consolidated 80 percent of the constructed channels within the geographic area at any time after the first year, it should be entitled to mandatory reconfiguration of remaining notified licensees. A channel would be counted each time it is shown on a valid SMR license at coordinates within the geographic area and constructed by a date certain chosen by the FCC. (24-25)

  - At the end of the second year following large-block grant, the percentage of consolidated channels necessary to earn mandatory reconfiguration would drop to 65 percent of total constructed channels and to 50 percent at the end of the third year. After four years, the large-block licensee would be entitled to mandatory reconfiguration of any remaining notified incumbent licensees. (25)

Treatment of General Category Channels and Intercategory Sharing

- Continues to urge the FCC to allocate the 150 General Category channels on a prospective basis for exclusive SMR eligibility, which will only codify the use of the channels that has already occurred. Further, any remaining availability of these channels will be in heavy demand for facilities of licensees reconfigured from the upper band. Whether voluntary or mandatory, the FCC cannot regulate the reallocation of part of the SMR band without accommodating licensees already occupying the spectrum. (26)

- Recommends BEA licensing for the lower 80 SMR channels and the 150 General Category channels now primarily used by SMR licensees. BEA licensing will avoid relegating these channels to "second class" status and will permit operators licensed on the lower band channels the same opportunity to combine their systems into wide-area systems. (27)

- Recognizes that this recommendation will require a further balancing of the rights of existing licensees on these channels and of parties retuned thereto. Opposes any suggestion that the migration process be completed before the existing freeze on the lower 80 channels is lifted and that a freeze be imposed on the General Category channels. Because all incumbents (rather than just

those on the lower channels) would presumably be eligible for licensing on this spectrum, there is no reason for delay. Moreover, the current freeze has already inhibited activities of numerous licensees and should be lifted as expeditiously as possible. (27-28)

Other Issues

- Has met with members of all segments of the 800 MHz SMR community to discuss the issues raised in the NPRM and elicit recommendations. AMTA's proposal represent the judgment of the Association, as developed through its voting procedures. (4-5)

- AMTA's proposal is a compromise among a wide variety of interests that AMTA believes best meets the goals of: (1) enhancing present and future value of 800 MHz SMR spectrum; (2) ensuring that licensees operating in this spectrum can compete effectively in the CMRS marketplace; and (3) providing a time line that will not unnecessarily delay implementation of new technologies or cause unnecessary hardship to existing licensees. (16)

ANHEUSER-BUSCH COMPANIES, INC.

- Private mobile radio service licensee

Treatment of General Category Channels and Intercategory Sharing

- The adoption of the Nextel proposal would only serve the business needs of Nextel and other 800 MHz SMRs recently reclassified as CMRS providers at the expense of Anheuser-Busch and others that rely upon the General Category and Pool Channels to meet their internal communications and business needs. (3)

- The FCC's existing policies for the General Category and Pool Channels provide entities with the flexibility to meet evolving communications requirements in an era of growing demand for mobile services' spectrum. (4)

- The public interest requires the FCC to consider the potential adverse impact of the Nextel proposal on PMRS licensees. (4-5)

  - Changing the eligibility rules for the General Category and Pool Channels to facilitate Nextel's larger proposal to reallocate the 800 MHz SMR spectrum would further restrict the ability of PMRS providers such as public safety, business, and industrial/land transportation licensees to acquire sufficient capacity for their systems. (4-5)

  - Nextel's proposal would require PMRS incumbents to reconfigure their systems after having spent millions of dollars in establishing their systems to conform to the existing regulatory regime. (5)

  - Several small SMR operators contend that the proposal would restrict their ability to expand their operations and could have anticompetitive consequences within the 800 MHz SMR market. (5)

- Under the Nextel proposal, traditional private radio licensees would no longer be eligible for SMR channels in markets where only SMR frequencies are available and vice-versa. Anheuser-Busch and many other companies thus would have even fewer options available for expansion of their internal use systems located in key markets. (6)

- Because the Nextel proposal would alter the way private services are licensed merely to create more auctionable 800 MHz spectrum, believes that the proposal is at variance with the intent of Congress. (6-7)

- No party to this proceeding has presented a compelling legal or factual argument that supports the FCC's basis for altering the way private services are licensed in order to adopt an 800 MHz auction scheme. (7)

- Small SMR operator

Other Issues

- Requests that the FCC reject the proposals in this proceeding as detrimental to independent, analog SMR operators without concurrently providing a benefit to the public. (1)

- Nothing within the applicable statutes suggests that the FCC is obliged to create out of whole cloth, a competitive situation among otherwise differing providers so as to create a justification for regulatory parity. (2)

- As Nextel operates its ESMR systems in accord with the terms of a waiver of the FCC's rules, it is hardly in a position to state that this legal and operational aberration allowed by a waiver is entitled to regulatory parity. (2-3)

- Because Nextel has not received a waiver of the FCC's rules regarding alien ownership that would allow it to operate as a CMRS provider, Nextel cannot demonstrate that it possesses the standing necessary to claim any right, entitlement or advantage arising out of its unsupported claim of CMRS status. (4)

- While Nextel is licensed to operate more channels in more markets than any other entity, fewer than fifty percent of those licensed channels are constructed and still fewer are employed to provide ESMR service to the public. Despite this fact, Nextel has filed applications for a new ESMR service throughout requesting up to 175 channels that fully overlap almost every independent operator in the region. This behavior has a chilling effect on the marketplace and should not be rewarded with greater advantages. (4-5)

- Nextel created its own justification for forced frequency swapping, MTA licensing and auctions. For example, Nextel has created the problems, congestion and technological mishaps and now seeks FCC assistance in cleaning up its own mess. It should not be allowed to victimize local analog operators to solve its problems. (6-7)

- Disagrees that present SMR regulation has created a chaotic or inefficient licensing method. Rather, the present rules without waiver are one of the great successes in regulation as they: (a) require prompt construction and actual operation; and (b) protect uses for public safety while providing opportunity to ambitious and successful operators. (9)

CELLCALL, INC.

- SMR provider

Incumbent Rights and Obligations

- The lack of any support for Nextel's mandatory relocation plan indicates that this plan advances the interest of only Nextel. (4)

- Agrees with the Commission that relocation of incumbent upper band 800 MHz SMR licensees should be voluntary. (5)

- In order to move ahead with relocation as quickly as possible, the Commission should develop a voluntary relocation plan with the following features. (5)

  - The right to mandate relocation should not be "earned" until the wide-area licensee in question has acquired 90% of the channels that were constructed as of 8/9/94 in a "core area" (geographical center) of the market. (10-12)

  - In order to encourage the purchase of more channels, there should be no step-down over time of the number of channels required to earn relocation. (12)

  - Once the licensee reaches the 90% benchmark, there would be a 1 year period of voluntary negotiation after which the licensee has the right to relocate the incumbent(s) (provided it pays the relocation costs). (12-13)

- Mandatory relocation unduly favors Nextel and inhibits competition in that Nextel is the only provider with enough spectrum to relocate a significant number of incumbents. (13-14)

- Nextel has not demonstrated sufficient compelling need for contiguous spectrum to justify the mandatory relocation of incumbents. To the contrary, Nextel's need for contiguous spectrum is cast in doubt by its many prior statements touting Motorola's frequency hopping MIRS technology. (8-10)

- Voluntary relocation is better than mandatory relocation because there is no need to create a relocation block, the Commission need not micromanage the process, and relocated parties will be more satisfied with their new spectrum. (15-16)

Other Issues

- Because wide-area SMR is substantially similar to common carrier cellular, regulatory parity demands that the two technologies be similarly regulated. (7-8)

COUNCIL OF INDEPENDENT COMMUNICATION SUPPLIERS

- Association of SMR operators, radio dealers, equipment suppliers, communications engineers, and consultants

Incumbent Rights and Obligations

- Regardless of whether retuning is technically feasible, other factors suggest that retuning is neither administratively nor operationally feasible. In any environment, retuning is likely to cause a significant amount of disruption to existing operations of incumbent licensees with an attendant loss of customer goodwill. (2)

- Does not support the Nextel proposal for a one year migration period, the last six months of which would involve mandatory retuning. (2)

- Receptive to further study of any proposals that may offer the promise of a potential solution. (3)

  - Intrigued by the proposal set forth by AMTA in its reply comments to license both wide-area and local systems using the economic areas developed by the Department of Commerce's Bureau of Economic Analysis. Remains concerned about the compulsory aspects of the progressive reconfiguration concept but prefers extending mandatory retuning to the fourth year. (3)

  - Once all of the compromise proposals have been placed on file with the FCC, would like the opportunity to explore them with its members and submit additional comment to the FCC before the agency attempts to fashion a decision. (4)

- The FCC must recognize that it is simply not possible to clear a relocation block of sufficient size to ease the transition process. Thus, the FCC would have to reallocate channels that are vital to the public safety and public service communications of licensees in non-SMR services if it were to attempt to create such a relocation block. (4)

- Agrees with SMR WON that rolling disruptions to multiple sources were not anticipated by Congress. (5)

- The FCC's proposals would deny the traditional benefits of licensing and extended implementation to any SMR systems licensed after August 9, 1994. However, applicants have virtually no control or influence over the date of

licensing. It is thus arbitrary to limit the traditional benefits of licensing to systems licensed on or before August 9, 1994. (5)

- Because the only date that an applicant can realistically control is the date of filing with the FCC, a more rational approach would be to extend the benefits of licensing and extended implementation to any systems licensed on the basis of applications filed on or before August 9, 1994. (5-6)

CUMULOUS COMMUNICATIONS CORP.

- Independent analog SMR operator

Allocation Issues

- If market-based licensing is adopted, the industry will lose its vital, organic growth that follows population centers and manufacturing centers. Instead, service will be confined to a box, with only de minimis intrusions beyond arbitrary parameters. (4-5)

Auction Issues

- An objective and realistic look clearly illustrates that there is virtually no 800 MHz spectrum to auction unless the FCC intends to auction the future of legitimate, analog local operators. (5)

Incumbent Rights and Obligations

- Rejects the proposal of forced frequency swaps as small and local operators took great pains to fashion their networks in such a manner that expansion would be feasible and convenient under the FCC's current regulatory scheme. (4)

- Doubts that fully comparable alternate frequencies exist and respectfully requests that the FCC produce clear and convincing proof that the necessary spectrum is in fact available before the FCC considers implementing any type of forced frequency exchange. (4)

Other Issues

- Until such time as the FCC can demonstrate conclusively that wide-area ESMR systems can and must compete with cellular and PCS systems, it should refrain from creating a regulatory scheme directed exclusively toward that end. (2-3)

- Fundamental fairness and the long term health of the SMR industry requires that the FCC reject Nextel and its compatriots' comments, and act in favor of the smaller operators who comprise the majority of the SMR industry. (5-6)

DCL ASSOCIATES, INC.

- Management consulting firm engaged in the management of cellular and SMR properties

Allocation Issues

- The wireless market will soon be saturated with two cellular and six broadband PCS licensees per market. Therefore there is no need to displace the entire dispatch industry with another wireless provider. (2-3)

- Contiguous spectrum is required for neither Nextel's MIRS technology nor its spread spectrum technology. The requested blocks of contiguous spectrum would, however, allow Nextel to acquire huge amounts of spectrum at uncompetitive prices. (3-4, 9)

- A maximum sized block of 10 SMR channels should be licensed in a reasonably sized geographic area in order to reserve spectrum for small SMR entrepreneurs, who provide an extremely useful service. (5)

- Rather than auctioning spectrum, incumbent licensees should be given first priority on new SMR spectrum. (5)

- Because MTAs are too large for the needs of the SMR industry, SMR channel blocks should be assigned on either the MSA/RSA concept or on the BEA concept. (6)

Auction Issues

- The SMR auctions should be discontinued because they defy Congressional intent by auctioning already allocated spectrum and threaten to ruin small SMR operators. (2)

- Because Congress intended auctions to be imposed on new services, not reconfigurations of existing services, auctions should not be applied to the heavily occupied 851-856 MHz band. (6)

- In order that all channels have equal utility, whatever licensing mechanisms the FCC adopts to facilitate the provision of wide-area SMR service should be adopted on all 280 commercial 800 MHz channels. (7)

Incumbent Rights and Obligations

- It is tremendously burdensome to retune the many mobile units that will need to be reprogrammed in order to free dispatch spectrum. Further, this relocation will provide an undue windfall to Nextel/Motorola, who will profit from equipment sales. (3)

- Flexible site placement should be allowed by all SMR licensees. (7)

- The Commission must afford pending licensees (as of 8/9/94) the same incumbency protections as it offers to granted licensees. (8)

- DCL joins Dial Call in requesting that the Commission permit incumbent licensees to construct and implement their networks under previously granted extended implementation authorizations. (8-9)

DIAL CALL COMMUNICATIONS, INC.

- SMR provider

Allocation Issues

- Would allocate 10 MHz of local 800 MHz spectrum to wide-area SMRs through the use of a single 10 MHz MTA-based license. (2-3, 4)

- In order to be competitive with cellular and broadband PCS, wide-area SMRs must be given 200 channels (10 MHz) of contiguous spectrum. (5-7)

- In order to avoid spectrum speculation, would require the MTA licensee to serve 1/3 of the MTA population with service within 3 years and to serve 2/3 of the population within 5 years. (2-3, 10)

Auction Issues

- Opposes auctions as unfair to incumbents. However, if auctions <u>are</u> employed, incumbents should be given bidding credits based on the number of channels licensed to the incumbent in the MTA. (3-4, 13)

- Opposes DE bidding credits. (13)

- Because of the high degree of interdependence between the MTA licenses, auctions should be in simultaneous, multiple round bidding formats. (14)

Incumbent Rights and Obligations

- Favors mandatory migration after a defined period coupled with specified benefits to encourage voluntary migration. (2, 7)

- As part of the mandatory migration, incumbents must be given one-for-one spectrum swaps and fully compensated for their relocation (retuning) costs. (8)

- The relocation process must leave the relocated system intact as a multichannel, integrated system. (9)

- Incumbent licensees must be allowed to construct new base stations within the 22 dBu contour of their originally authorized station. (11)

- In order to protect an incumbent's investment in infrastructure, supports the Commission's proposal to allow incumbent licensees to continue to operate existing, authorized systems in the 800 MHz band. (12)

EDEN COMMUNICATIONS, INC.

- SMR operator

Auction Issues

- Administrative efficiencies will not be gained by changing from the current scheme of regulation to one that would have, at most, four dominant licensees per market area. (1-2)

- Requests that the FCC reject the proposals in this proceeding and believes it is ironic that the FCC is even contemplating the MTA licensing proposal, auction and forced frequency migration when analog dispatch SMR is possibly the only segment of the industry where it is possible for women, minorities, and small businesses to enter without special preferences. (5-7)

- Believes that it does not make sense to reconfigure a mature industry and to provide benefits to encourage entrants into one segment of the telecommunications industry while raising unnecessary obstacles, if not an outright bar, to those same entrants in another segment of the industry when there are other ways to discourage sham operators. (6-7)