

a technical analysis demonstrating at least 10 dB protection to the 38 dbuV/m contour of such licensees, and all Phase II licensees will be required to submit maps and other supporting documents to demonstrate compliance with interim and final construction benchmarks.

**VI. Federal Rules which Overlap, Duplicate, or Conflict with these Proposals:**

None.

**VII. Significant Alternatives:**

The Commission believes that the proposals contained in this decision represent the best balance of providing licensees with the most flexibility and the least regulatory burden possible, while ensuring that license are granted to those who value the spectrum most high and will maximize its use to provide the best quality and variety of service to consumers.

## **APPENDIX B**

### **LIST OF PARTIES FILING COMMENTS AND REPLY COMMENTS GN DOCKET NO. 93-252**

The following is the list of parties filing comments and reply comments on issues relating to 220-222 MHz service in response to the request for such comments in the *CMRS Further Notice*, 9 FCC Rcd 2863 (1994):

#### **COMMENTS**

American Mobile Telecommunications Association, Inc. (AMTA)  
E. F. Johnson Company (E. F. Johnson)  
Global Cellular Communications, Inc. and Jean M. Warren (Global and Warren)  
National Association of Business and Educational Radio, Inc. (NABER)  
The RF Technologies Group (RF Technologies)  
SEA, Inc. (SEA)  
Simrom, Inc. (Simrom)  
SmartLink Development Limited Partnership (SmartLink)  
SunCom Mobile & Data, Inc. (SunCom)  
US MobilComm, Inc. (USM)

#### **REPLY COMMENTS**

AMTA  
E. F. Johnson  
Global  
NABER  
RF Technologies  
SEA  
SunCom  
Uniden America Corporation (Uniden)

## APPENDIX C

### CODES AND NAMES FOR ECONOMIC AREAS (EAs)

Codes from 001 to 172 are assigned to the new EAs in approximate geographic order, beginning with 001 in northern Maine, continuing south to Florida, then north to the Great Lakes, and continuing in a serpentine pattern to the West Coast. Except for the Western Oklahoma EA (126), the Northern Michigan EA (058), and the 17 EAs that mainly correspond to consolidated metropolitan statistical areas (CMSAs), each EA is named for the metropolitan area or city that is the node of its largest component economic area (CEA) and that is usually, but not always, the largest metropolitan area or city in the EA. Each CEA consists of a single economic node and the surrounding counties that are economically related to the node. The following list provides EA codes and names. EA boundaries and codes are shown on the map following the list.

EA

Code Name

001	Bangor, ME
002	Portland, ME
003	Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH
004	Burlington, VT
005	Albany-Schenectady-Troy, NY
006	Syracuse, NY
007	Rochester, NY
008	Buffalo-Niagara Falls, NY
009	State College, PA
010	New York-No. New Jersey-Long Island, NY-NJ-CT-PA
011	Harrisburg-Lebanon-Carlisle, PA
012	Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD
013	Washington-Baltimore, DC-MD-VA-WV
014	Salisbury, MD
015	Richmond-Petersburg, VA
016	Staunton, VA
017	Roanoke, VA
018	Greensboro-Winston-Salem-High Point, NC
019	Raleigh-Durham-Chapel Hill, NC
020	Norfolk-Virginia Beach-Newport News, VA-NC
021	Greenville, NC
022	Fayetteville, NC
023	Charlotte-Gastonia-Rock Hill, NC-SC
024	Columbia, SC
025	Wilmington, NC
026	Charleston-North Charleston, SC

027 Augusta-Aiken, GA-SC  
028 Savannah, GA  
029 Jacksonville, FL  
030 Orlando, FL  
031 Miami-Fort Lauderdale, FL  
032 Fort Myers-Cape Coral, FL  
033 Sarasota-Bradenton, FL  
034 Tampa-St. Petersburg-Clearwater, FL  
035 Tallahassee, FL  
036 Dothan, AL  
037 Albany, GA  
038 Macon, GA  
039 Columbus, GA-AL  
040 Atlanta, GA  
041 Greenville-Spartanburg-Anderson, SC  
042 Asheville, NC  
043 Chattanooga, TN-GA  
044 Knoxville, TN  
045 Johnson City-Kingsport-Bristol, TN-VA  
046 Hickory-Morganton, NC  
047 Lexington, KY  
048 Charleston, WV  
049 Cincinnati-Hamilton, OH-KY-IN  
050 Dayton-Springfield, OH  
051 Columbus, OH  
052 Wheeling, WV-OH  
053 Pittsburgh, PA  
054 Erie, PA  
055 Cleveland-Akron, OH  
056 Toledo, OH  
057 Detroit-Ann Arbor-Flint, MI  
058 Northern Michigan, MI  
059 Green Bay, WI  
060 Appleton-Oshkosh-Neenah, WI  
061 Traverse City, MI  
062 Grand Rapids-Muskegon-Holland, MI  
063 Milwaukee-Racine, WI  
064 Chicago-Gary-Kenosha, IL-IN-WI  
065 Elkhart-Goshen, IN  
066 Fort Wayne, IN  
067 Indianapolis, IN  
068 Champaign-Urbana, IL  
069 Evansville-Henderson, IN-KY  
070 Louisville, KY-IN

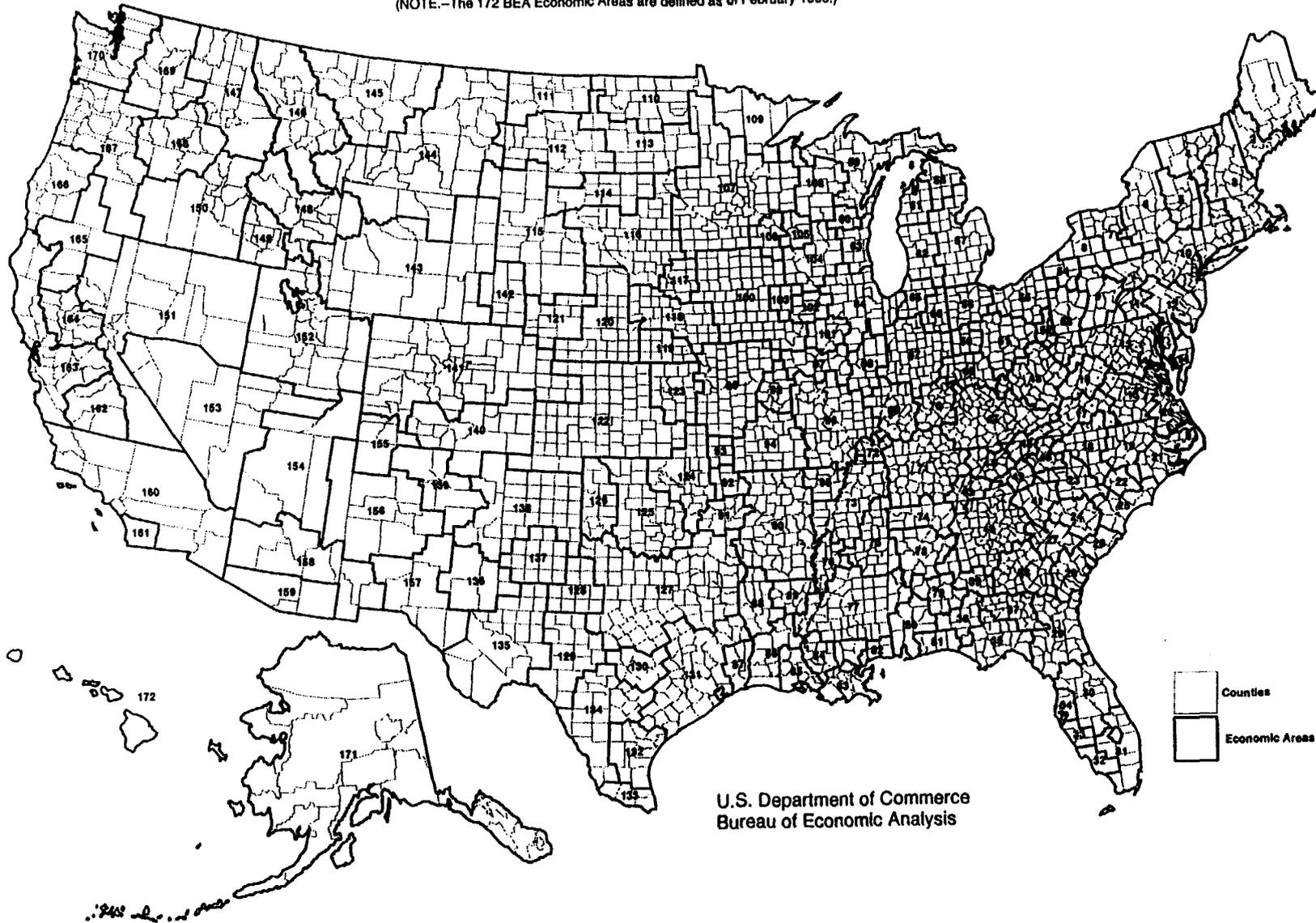
071 Nashville, TN  
072 Paducah, KY  
073 Memphis, TN-AR-MS  
074 Huntsville, AL  
075 Tupelo, MS  
076 Greenville, MS  
077 Jackson, MS  
078 Birmingham, AL  
079 Montgomery, AL  
080 Mobile, AL  
081 Pensacola, FL  
082 Biloxi-Gulfport-Pascagoula, MS  
083 New Orleans, LA  
084 Baton Rouge, LA  
085 Lafayette, LA  
086 Lake Charles, LA  
087 Beaumont-Port Arthur, TX  
088 Shreveport-Bossier City, LA  
089 Monroe, LA  
090 Little Rock-North Little Rock, AR  
091 Fort Smith, AR-OK  
092 Fayetteville-Springdale-Rogers, AR  
093 Joplin, MO  
094 Springfield, MO  
095 Jonesboro, AR  
096 St. Louis, MO-IL  
097 Springfield, IL  
098 Columbia, MO  
099 Kansas City, MO-KS  
100 Des Moines, IA  
101 Peoria-Pekin, IL  
102 Davenport-Moline-Rock Island, IA-IL  
103 Cedar Rapids, IA  
104 Madison, WI  
105 La Crosse, WI-MN  
106 Rochester, MN  
107 Minneapolis-St. Paul, MN-WI  
108 Wausau, WI  
109 Duluth-Superior, MN-WI  
110 Grand Forks, ND-MN  
111 Minot, ND  
112 Bismarck, ND  
113 Fargo-Moorhead, ND-MN  
114 Aberdeen, SD

115 Rapid City, SD  
116 Sioux Falls, SD  
117 Sioux City, IA-NE  
118 Omaha, NE-IA  
119 Lincoln, NE  
120 Grand Island, NE  
121 North Platte, NE  
122 Wichita, KS  
123 Topeka, KS  
124 Tulsa, OK  
125 Oklahoma City, OK  
126 Western Oklahoma, OK  
127 Dallas-Fort Worth, TX  
128 Abilene, TX  
129 San Angelo, TX  
130 Austin-San Marcos, TX  
131 Houston-Galveston-Brazoria, TX  
132 Corpus Christi, TX  
133 McAllen-Edinburg-Mission, TX  
134 San Antonio, TX  
135 Odessa-Midland, TX  
136 Hobbs, NM  
137 Lubbock, TX  
138 Amarillo, TX  
139 Santa Fe, NM  
140 Pueblo, CO  
141 Denver-Boulder-Greeley, CO  
142 Scottsbluff, NE  
143 Casper, WY  
144 Billings, MT  
145 Great Falls, MT  
146 Missoula, MT  
147 Spokane, WA  
148 Idaho Falls, ID  
149 Twin Falls, ID  
150 Boise City, ID  
151 Reno, NV  
152 Salt Lake City-Ogden, UT  
153 Las Vegas, NV-AZ  
154 Flagstaff, AZ  
155 Farmington, NM  
156 Albuquerque, NM  
157 El Paso, TX  
158 Phoenix-Mesa, AZ

- 159 Tucson, AZ
- 160 Los Angeles-Riverside-Orange County, CA
- 161 San Diego, CA
- 162 Fresno, CA
- 163 San Francisco-Oakland-San Jose, CA
- 164 Sacramento-Yolo, CA
- 165 Redding, CA
- 166 Eugene-Springfield, OR
- 167 Portland-Salem, OR-WA
- 168 Pendleton, OR
- 169 Richland-Kennewick-Pasco, WA
- 170 Seattle-Tacoma-Bremerton, WA
- 171 Anchorage, AK
- 172 Honolulu, HI

# BEA Economic Areas, 1-172

(NOTE.—The 172 BEA Economic Areas are defined as of February 1995.)



U.S. Department of Commerce  
Bureau of Economic Analysis

## **APPENDIX D**

### **220 MHZ REGIONS**

The 220 MHz Regions are defined as follows:

Region 1: Region 1 consists of the following EAs: EA 001 (Bangor, ME) through EA 021 (Greenville, NC).

Region 2: Region 2 consists of the following EAs: EA 022 (Fayetteville, NC) through EA 046 (Hickory-Morganton, NC), Puerto Rico, and the United States Virgin Islands.

Region 3: Region 3 consists of the following EAs: EA 047 (Lexington, KY) through EA 099 (Kansas City, MO-KS).

Region 4: Region 4 consists of the following EAs: EA 100 (Des Moines, IA) through EA 139 (Santa Fe, NM).

Region 5: Region 5 consists of the following EAs: EA 140 (Pueblo, CO) through 172 (Honolulu, HI).

**Separate Statement  
of  
Commissioner James H. Quello**

Released: July 28, 1995

*Re: Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Frequency Band by the Private Land Mobile Radio Service (PR Docket No. 89-552); Implementation of Sections 3(n) and 332 of the Communications Act -- Regulatory Treatment of Mobile Services (GN Docket No. 93-252) and Implementation of Section 309(j) of the Communications Act -- Competitive Bidding 220-222 MHz (PP Docket No. 93-253)*

This item is the result of a very long, very contentious proceeding. The Wireless Bureau has made several proposals in an effort to encourage the growth of the long-delayed mobile communications services in the 220 MHz band. Once again, however, the most contentious matter is the issue of auctions versus lotteries for pending applications. That is, how to treat fairly the comparative handful of pending applications -- thirty-three in this proceeding -- in a mobile service that already has existing licensees determined by lottery, has since been reclassified as a Commercial Mobile Radio Service (CMRS) and, therefore, is potentially subject to competitive bidding.

This Commission has repeatedly faced this issue during the on-going transition phase from Private Radio licensing by lottery to CMRS licensing by auction. I do not dispute the utility of auctions for new applicants in new services but I continue to believe -- as I have stated each time before<sup>1</sup> -- that Congress intended for us to exercise discretion<sup>2</sup> to weigh the equities on a service by service basis rather than to reflexively use auctions in each and every case.

The indisputable fact is that these few remaining applications have been on file far too long through no fault, action, or inaction on the part of the applicants. Instead, it is this Commission that has failed to take the requisite action. In this case, the FCC has failed to request the financial data that would "complete" the applications. Had we done so in a timely manner, these few remaining applications would have been processed by lottery as were the existing four commercial nationwide licenses and the 3,800 licenses for non-nationwide stations.

This Commission must consider carefully the projected revenues foregone as we decide whether to lottery or auction pending applications. We do not, however, have reliable data upon which to draw. The auction proponents have strained mightily to make these licenses appear to be similar to nationwide narrowband PCS so as to maximize projected

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<sup>1</sup> See, e.g., MO&O, Cellular Unserved Areas, 9 FCC Rcd 7383 (1994); Report and Order, Amendment of Parts 21 and 74 . . . in the Multipoint Distribution Service (MDS), \_\_ FCC Rcd \_\_, 60 Fed.Reg. 36524 (July 17, 1995).

<sup>2</sup> See 47 U.S.C. §§ 309 (i)&(j); Budget Act, Pub. L. No. 103-66, § 6002(e) (Special Rule) 107 Stat. 312, 397 (1993); See also H.R. Rep. 103-213, 103d Cong., 1st Sess. 498-499 (1993) (Conf. Rep.).

revenues but their efforts are unconvincing. The NPRM is replete with references to "substantial" revisions in this service but the truth is that 220 MHz band services will remain essentially what they were, albeit with wide-area licenses distributed by auctions that have a few minor categorical restrictions such as paging and trunking restrictions removed. These strike me as distinctions in an evolving service not substantial differences. We could have done as much by reconsideration without the churn and attendant uncertainty of a protracted rulemaking proceeding were it not for the goal of auctioning whatever spectrum resources remain unlicensed.

Overall, I believe that the proposals have much to commend them and I support this Commission's efforts to transition to an auction licensing methodology. It was while I was Chairman that Congress granted the FCC auctioning authority. I do not think, however, that the worthy goal of licensing by auction should be at the expense of long-standing applicants that have been subjected to administrative delay and indecision through no fault of their own. It is this Commission that created the regulatory limbo of pending applications. It seems to me the height of bureaucratic inequity that this Commission would not only impose on this handful of applicants the costs of a four-year delay in processing their applications, but then increase these costs by requiring them to bid at auction because of the delay.

One of the considerations enunciated in the Budget Act for this Commission to weigh in exercising the Congressionally granted discretion to determine how to process pending applications is the relative speed of service to the public. I continue to believe that lotteries are the most expeditious means to license the very few remaining applicants and, thereby, authorize timely service to the American consumer.

Although this Commission has become quite proficient at conducting auctions, they remain labor- and time-intensive events. There is an ever lengthening queue of services being sent to the line-up for auctions. Before we send yet another service to the auction block, I believe that we should clean up the backlog so that pending and future applicants to this Commission will continue to believe in the stability of the licensing process by having their expectations adjudged under the regulations extant at the time of filing, absent a truly significant revision in the service such as reallocation of the band for other services that are different in kind and not merely ancillary to those for which they applied.

As difficult as it may be for this Commission to repeatedly face the same issue, I believe it is now clear that there exists a genuine and material difference of opinion among the Commissioners on the issue of lotteries versus auctions for pending applications. This is not cause for reticence or recrimination. It is, in fact, how policy is actually made by a regulatory body composed of members with differing backgrounds, skills, and opinions. It is, indeed, the essence of regulatory decision-making. Collegial bodies should be able to disagree without becoming disagreeable. For my part, I would face the matter squarely and tentatively conclude in this item at this time that pending applications should be subject to lotteries and future applicants to auctions.