

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Replacement of Part 90 by Part 88 to)
Revise the Private Land Mobile Radio)
Services and Modify the Policies)
Governing Them)

PR Docket No. 92-235

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To: The Commission

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OFFICE OF SECRETARY

**RESPONSE TO APCO OPPOSITION TO AZCOM
PETITION FOR PARTIAL RECONSIDERATION OR CLARIFICATION**

AzCOM Paging, Inc. ("AzCOM"), by its attorneys and pursuant to Section 1.429 of the Commission's Rules [47 C.F.R. § 1.429], hereby submits its response to the Opposition and Comments in Response to Petitions for Reconsideration ("Response") filed by the Association of Public-Safety Communications Officials, Inc. ("APCO") in the above-captioned proceeding.

In its Response, APCO implies that the change and/or clarification requested by AzCOM "would fundamentally alter [the refarming decision's] scope and direction." This is simply not the case and the Commission should disregard APCO's exaggerated claims.

Specifically, APCO's Response incorrectly characterizes AzCOM's Petition for Partial Reconsideration or Clarification as requesting increased power for Private Carrier Paging ("PCP") operations. However, AzCOM is not requesting increased power at all. AzCOM only asks that PCP systems be allowed to continue with the same power restrictions that applied prior to adoption of the narrowbanding rules -- namely that the Commission retain its prior restrictions on transmitter output power, but not limit effective radiated power, as the height/power tables of Rule Section 90.205 would do.

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Paging systems are fundamentally different than the typical land mobile system licensed under Part 90. Most systems below 512 MHz are individually licensed to provide intra-company communications within a localized operating area. PCP systems, on the other hand, need to provide wide area communications service. Their customers may be located anywhere within the range of the paging transmitters, and frequently within buildings. In order to provide the reliable service that their customers demand, they must operate at higher ERP levels than two-way radio systems communicating with vehicles and portables operating outside buildings. Indeed, a paging system must be able to offer the widest possible coverage in order to attract customers.

While it may be true that reducing power will reduce the potential for harmful interference, AzCOM objects to the "one-size-fits-all" policy underlying APCO's argument. APCO seems to suggest that since there is a higher potential for interference at higher power levels, all stations should operate at low power regardless of whether interference is likely to occur. This is the same as saying that because automobile accidents are less frequent at 25 mph, all roads should be restricted to a maximum speed limit of 25 mph. Such a rule may be simple to administer, but it is certainly no way to regulate traffic.

Moreover, AzCOM wishes to point out that during its ten years of continuous operation on the high power PCP frequency of 462.775 MHz, it has worked hand-in-hand with the very public safety entities whose interests are represented by APCO to ensure no harmful interference is encountered. Even though AzCOM's facilities are often situated in close proximity to Arizona Department of Public Safety as well as local police and fire radio operations, AzCOM has had only one instance of reported interference. This was promptly cured without question, at AzCOM's expense, and with only minor technical adjustments that did not involve any reduction in power or installation of additional filters. APCO's fears of "desensitization" and

"intermodulation" are just not well founded in this instance. AzCOM operates at a frequency that is 175 kHz away from the nearest public safety channel, which is 462.950 MHz. However, even with a separation of 25 kHz, which is the case between the nearest PCP frequency of 462.925 MHz, the paging operations should not cause interference on the public safety channels. While intermodulation interference is possible at any frequency, the Commission's Rules should not presume such interference will arise.

CONCLUSION

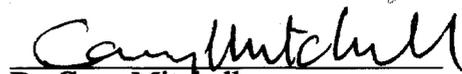
Wherefore, AzCOM believes the Commission should allow commercial paging applicants to have the power they need to provide adequate service, without having to provide special showings of need for high power. Potential interference may be controlled in the frequency coordination process or through the Commission's established procedures. If all stations are operating in accordance with the regulations and the terms of their licenses, then the last operator in should be responsible for curing the interference.

Respectfully, submitted,

AZCOM PAGING, INC.

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Dated: October 2, 1995

CERTIFICATE OF SERVICE

I, Elizabeth A. Ebere, hereby certify that a copy of the foregoing "Response to APCO Opposition to AzCOM Petition for Partial Reconsideration or Clarification" was served this 2nd day of October, 1995, by U.S. Mail, postage prepaid, to the following individual at the address listed below:

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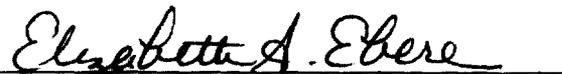
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