

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 90 of the)
Commission's Rules To Provide)
for the Use of the 220-222 MHz)
Band by the Private Land Mobile)
Radio Service)
)
Implementation of Sections 3(n))
and 332 of the Communications Act)
)
Regulatory Treatment of Mobile)
Services)
)
Implementation of Section 309(j))
of the Communications Act --)
Competitive Bidding, 220-222 MHz)

PR Docket No. 89-552
RM-8506

GN Docket No. 93-252

DOCKET FILE COPY ORIGINAL

PP Docket No. 93-253

To the Commission:

REPLY COMMENTS OF SUNCOM MOBILE & DATA, INC.

SunCom Mobile & Data, Inc. ("SunCom"), by its attorney, hereby submits its reply comments in the referenced proceeding.^{1/} By these reply comments, SunCom reiterates its support for the Commission's proposed wholesale revamping of 220 MHz licensing rules and urges the Commission to extend the benefits of its proposal to all 220 MHz licensees.

In its comments in this proceeding, SunCom addressed the focal component of the proposal set forth in the Third Notice: the Commission's proposal to license non-nationwide 220-222 MHz channels on a wide-area, multi-frequency basis. SunCom applauded

^{1/} Second Memorandum Opinion and Order and Third Notice of Proposed Rulemaking, PR Docket No. 89-552 (RM-8506), GN Docket No. 93-252, PP Docket No. 93-253, 60 Fed. Reg. 45,566 (Sept. 7, 1995) ("Third Notice").

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the Commission's action in recognizing the benefits of wide-area, multi-frequency licensing, which benefits SunCom long ago urged the Commission to adopt, and urged the Commission to establish true regulatory parity by extending those same rules to existing licensees.

SunCom's review of the comments filed in response to the Third Notice reveals that the majority of commenting parties shared SunCom's support for multiple components of the Commission's proposal to license 220 MHz on a wide area, high capacity basis, which proposal parallels in many ways system proposals advocated by SunCom nearly two years ago. For example, Comtech Communications, Inc., at 6, voiced support for the FCC's proposal to permit channel aggregation. Similarly, the SMR Advisory Group, at 13, advocated permissible channel aggregation, as did Paging Network, Inc. at 11.

In SunCom's view, it is critical that the benefits of channel aggregation be afforded to both Phase I and Phase II licensees. Inherent in the concept of channel aggregation is that the licensees should be permitted to determine, subject to not interfering with adjacent channel or geographically adjacent licensees, how many channels to aggregate, channel bandwidth and the allocation of aggregated channels between transmit and receive usage.^{2/}

^{2/} Specifically, SunCom submits that the Commission should permit licensees to determine whether they desire to utilize narrowband technology or whatever other technology is most efficient and competitive, in view of the services that the licensee intends to offer. This contemplated flexibility is (continued...)

SunCom submits that the Commission's proposal for less regulation in the licensing of 220 MHz systems can be furthered by allowing licensees maximum discretion in the services to be provided over their systems. This discretion should extend to permitting licensees to provide data transmissions, including both one-way and two-way messaging. As SunCom has previously advised the Commission in this proceeding, data services may well become a critical component of 220 MHz service.^{3/}

As SunCom has previously advised the Commission,^{4/} the Commission should extend the benefits of its proposed new rules to existing licensees, as well as newly-filed applicants, and should afford existing applicants ample opportunity to make the transition to the newly-adopted rules. A minimum twelve-month extension of construction authorization for existing licensees is necessary to permit a reasoned transition. Such extension is also necessary in order to preclude one group of 220 MHz licensee from having a competitive advantage over other licensees, simply by virtue of the timing of their filings. The regulatory parity that would result

^{2/} (...continued)

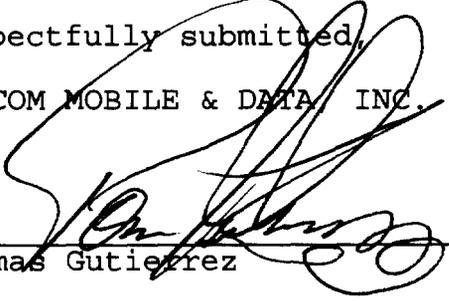
wholly consistent with that which the Commission has accorded licensees in numerous other services.

^{3/} In certain short-burst data services, both mobile and fixed, many several hundred end-user radio devices can be served by a single channel. Thus, there would be no need for dedicated radios. Wireless data services are still in their formative stages and should not be burdened by artificially requiring that all capacity be on line at the time of initial construction.

^{4/} SunCom Comments, at 4; SunCom letter of August 17, 1995.

from such an extension is the very type of result that Congress sought when it adopted the Omnibus Budget Reconciliation Act of 1993.

Respectfully submitted,
SUNCOM MOBILE & DATA INC.

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October 12, 1995

CERTIFICATE OF SERVICE

I, Catherine M. Seymour, a secretary in the law firm of Lukas, McGowan, Nace & Gutierrez, Chartered, do hereby certify that I have on this 12th day of October, 1995, have had hand delivered copies of the foregoing "REPLY COMMENTS OF SUNCOM MOBILE & DATA, INC." to the following:

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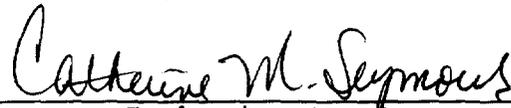
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