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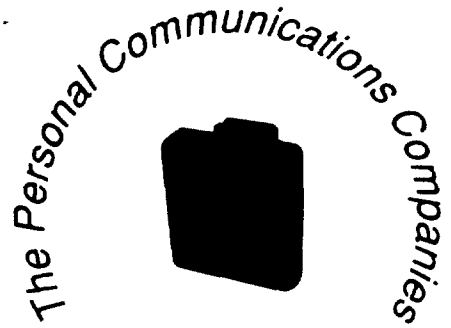

PAGERS CAR PHONES VOICE MAIL
Two-Way Radio Systems Sales and Service

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February 22, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, D.C. 20554

Re: Interim Licensing Proposal
WT Doc. No. 96-18
PP Doc. No. 93-253

Dear Chairman Hundt:

I am the President and majority stockholder of Personal Communications, Inc. and RCC of Pennsylvania, Inc., radio common carriers based at Altoona, Pennsylvania. I am President and a minority stockholder of Modern Communications Corporation, also based here in Altoona. I serve as an officer and director of all the corporations listed above. For ease of reference, I will refer to these combined small business entities as the "Carriers."

The Carriers provide wide-area VHF and UHF paging and conventional mobile service from approximately 100 transmitter sites within the States of Maryland, New York, Ohio, Pennsylvania, and West Virginia. Our subscribers receive wide-area paging service because our systems are networked with adjacent paging companies who operate throughout the eastern United States. Our companies have developed *extensive* relationships with neighboring paging carriers in order to provide wide-area service.

I have been active in the paging industry since 1970. I serve as a board member, and have previously served as Secretary, Vice Chairman, and Chairman of PCIA (Personal Communications Industry Association) and its predecessor, Telocator. The opinions expressed in my letter today are, however, my own.

During the past several days I am sure that you have received numerous requests urging the lifting of the freeze imposed by the Notice of Proposed Rule Making in WT Docket No. 96-18 and PP Docket No. 93-253. **I join those parties and urge that the freeze be lifted without delay.**

The paging industry is extremely competitive. Just ask anyone who is in the paging business! Our competitors not only include Part 22 licensees of nationwide systems, but also operators of so-called PCP systems regulated under Part 90. In order to compete and remain viable, we have improved our service and increased our coverage area to meet the needs of our customers. We have invested heavily to build out our systems, invested in advanced pager technology, and have internally, and through private borrowing, funded the expansion and modernization of our infrastructures.

You, Mr. Chairman, can appreciate how the paging industry has evolved. I am sure you are aware of how important our service is to the public. Paging is no longer "just for doctors" or simply regarded as an adjunct to telephone answering service. Paging is a rapid, efficient, and economical mobile communications service that is today enjoyed by over 30 million Americans.

Section II of the NPRM traces our industry's history, and I can add little to that discussion. What I would like to do in this letter is to summarize for you, and your colleagues, the "real-world" impact of the freeze imposed on small and medium sized companies such as the ones that I own and operate. I hope to demonstrate how the

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application freeze will impede our ability to meet ongoing consumer demand that we as radio common carriers have met for many years. Nine specific examples involving our companies typify how the freeze has adversely affected the Carriers and the public:

1. **Mayville, New York:**

   Modern Communications Corporation ("MCC") recently acquired a RCC operating eight VHF paging transmitters in Northwestern Pennsylvania and Western New York. Following the acquisition we completely re-built the system we purchased, and in doing so have discovered that customers in the Mayville, New York area cannot receive paging messages reliably. We considered installing a fill-in transmitter (not affected by the freeze), but have been advised by our engineering consultant that a major expansion application will be needed in order to gain proper coverage and penetration. As a result of the freeze, the Mayville proposal is on "indefinite hold." Our customers who need high quality, reliable paging service along the I-90 corridor between Erie, Pennsylvania and Dunkirk, New York will simply be "out-of-luck," at least for the time being.

2. **Brookville, Pennsylvania:**

   The freeze prevents MCC from expanding its paging service into the area of Brookville, Pennsylvania, just to the west of DuBois, Pennsylvania. MCC has been serving DuBois (Clearfield County), and specifically the medical community, since 1980. The medical community told us that they need to be reached in the Brookville area. We *cannot* meet their requirements because of the application freeze.

3. **Yeagertown, Pennsylvania:**

   There is a considerable gap in coverage between MCC's 152.24 MHz site at Yeagertown, Pennsylvania, and transmitters licensed to an adjacent paging carrier. In order to fill the gap, a major application must be filed by MCC. Again, the freeze has intervened and will frustrate MCC's efforts as a common carrier to respond to our customers' reasonable requests for mobile communications service.

4-5. **Harrisville and Wallback, West Virginia:**

   Last year, Personal Communications, Inc. ("PCI") reached an agreement with a neighboring carrier to provide reciprocal access to each others paging systems. PCI's system in North Central West Virginia has been "connected to" the other carrier's system in Charleston, West Virginia. However, there is a significant gap in coverage between the two systems. Engineering was completed by both carriers in January, 1996, but the applications had not yet been filed with the Commission. The freeze has halted this project and has deprived both companies' customers of continuous paging reception when they travel on I-79 between Charleston and North Central, West Virginia.

6-9. **Hancock, Maryland, Rockton, Pennsylvania, Core and Kingwood, West Virginia:**

   RCC of Pennsylvania, Inc. ("RCC") operates a wide-area paging system on 454.225 MHz. This system covers portions of Maryland, Ohio, and Pennsylvania. RCC has negotiated leases on tower sites at Hancock, Maryland, Rockton, Pennsylvania, and Core and Kingwood, West Virginia to expand its system. RCC contracted with its consulting engineer to complete applications on all of the sites mentioned above. One of the applications was completed and had actually been received by our FCC counsel in Washington, D.C. during the first week of February. However, the

application had yet to be microfiched and filed before the freeze was imposed. We have made a significant investment in engineering expenses and site acquisition expenses in order to complete these applications that now cannot be filed. Existing and future customers' needs will not be met unless the freeze is lifted.

On December 22, 1995, I sent a letter to Motorola requesting a proposal from them to purchase twenty-nine (29) new base stations that were to be delivered during 1996. As a result of the freeze we will need to cancel stations valued in excess of $100,000. As a result of the freeze we will not need to purchase as many antennas, cable, and other equipment that will make the total result of canceled orders well in excess of $125,000. We're a relatively small paging company, yet the story is the same everywhere.

We had anticipated an aggressive construction schedule during the Summer and Fall of this year. With the freeze we will have trouble keeping our technicians and installer busy this year. We will likely be forced to reduce hours and/or layoff one technician. In our forty-one year history we have NEVER had a layoff. At least to me, it is quite clear that the freeze will have far-reaching and dramatic effects on employment, our ability to continue providing quality service to the public, and will have quite a negative impact on the U.S. economy at a time when America can least afford it.

I hope you would agree that the above examples *clearly* show the type of injury that the freeze will cause to paging carriers, to the public that we serve, and to our economy. I am sure that other paging companies have similar stories to tell.

I have reviewed the NPRM and have discussed it with others in our industry. It is certainly my opinion, and I understand the opinion of PCIA as well, that there appears to be NO justification for implementing or continuing the freeze, particularly as it applies to licensees who operate systems in the UHF and VHF frequency bands.

I urge you to lift the freeze!

Respectfully submitted,

Personal Communications, Inc.
RCC of Pennsylvania, Inc.
Modern Communications Corp.

By_____
Steven S. Seltzer, President

cc: Commissioner Susan Ness
Commissioner Rachelle B. Chong
Commissioner Andrew C. Barrett
Commissioner James H. Quello