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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of the Commission's Rules)
To Permit Flexible Service Offerings)
in the Commercial Mobile Radio Services)

WT Docket No. 96-6

DOCKET FILE COPY ORIGINAL

To: The Commission

COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.

Respectfully submitted,

AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.

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March 1, 1996

The American Mobile Telecommunications Association, Inc. (“AMTA” or the “Association”), in accordance with Section 1.415 of the Federal Communications Commission’s (“FCC” or the “Commission”) Rules and Regulations, 47 C.F.R. § 1.415, respectfully submits its comments in the above-referenced proceeding.¹ The instant Notice seeks to clarify the authority of broadband Commercial Mobile Radio Service (CMRS) providers to provide fixed services, and to specifically authorize offerings of fixed wireless local loop service. As such, the Notice is another in a series of proceedings designed to furnish CMRS providers a “level playing field” with each other and with other common carrier services.

For the reasons described below, AMTA supports the Commission’s proposals to permit all broadband CMRS licensees to offer fixed wireless local loop service, using the definition suggested, as well as other fixed services.

I. INTRODUCTION

AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association’s members include trunked and conventional 800 MHz and 900 MHz Specialized Mobile Radio (SMR) service operations, licensees of wide-area SMR systems, and commercial licensees in the 220 MHz band. These members provide commercial wireless services

¹ *Notice of Proposed Rule Making*, WT Docket No. 96-6, FCC 96-17 (released January 25, 1996) (“NPR” or “Notice”). Comment date extended by Order DA 96-225, released February 22, 1996.

throughout the country and, to the extent they offer interconnected service, have been reclassified as CMRS effective August 10, 1996.

AMTA's members have traditionally provided a variety of business-oriented wireless communications services, and intend to take an active role in the ongoing wireless revolution by offering their customers an assortment of new services as they become available. The Association therefore welcomes Commission efforts to simplify CMRS regulations across service boundaries and to promote competition both within the wireless environment and between wireless and wireline services.

II. BACKGROUND

The FCC's current Rules allow CMRS licensees to provide any type of mobile services, and some fixed services. However, the Rules are not consistent in authorizing fixed services. SMR operators, for example, have traditionally been allowed to provide fixed signaling and data transmission services on a secondary, non-interference basis.² The rules governing other broadband CMRS services, such as Personal Communications Services (PCS) and cellular, allow fixed services on an ancillary or incidental basis. While the FCC has provided flexibility by deciding to consider all auxiliary CMRS services as "mobile",³ uncertainty about exactly what is

² See, 47 C.F.R. § 90.637(c).

³ See, *Second Report and Order*, Implementation of Sections 3(n) and 332 of the Communications Act, GN Docket No. 93-252, 9 FCC Rcd 1411 (1994) (CMRS 2nd Report

authorized prompts understandable reluctance on the part of operators to initiate a fixed service offering without guidance from the Commission. Given the escalating rate of introduction of new technologies and the resulting opportunities for a wide variety of service offerings, such “checking in” represents an administrative burden for operators and an inefficient use of scarce Commission resources.

In the Notice, the Commission proposes to eliminate differing language concerning provision of fixed services by specifically authorizing “fixed wireless local loop” service by broadband CMRS operators. The FCC notes that it always intended to include local loop as a potential PCS service. Notice at ¶ 13. It proposes that permissible service options for other broadband CMRS services, such as SMR and cellular, should also be broadened (Notice at ¶ 16), and seeks comment on whether other, narrowband CMRS services such as paging and commercial 220 MHz service should receive the same operational flexibility. *Id.* at ¶ 18.

The FCC proposes to define “wireless local loop” as the path between the subscriber and the first point of switching or aggregation of traffic. *Id.* at ¶ 6. It seeks comment on whether this definition will provide certainty to operators as they plan and market competitive networks, and eliminate the need for a rulemaking proceeding or multiple waivers whenever a service provider seeks to provide a new service to meet customer needs. The Commission proposes to treat fixed wireless

and Order), at ¶ 36.

local loop services as an integral part of CMRS services, so long as the provider otherwise offers services meeting the statutory definition of CMRS. Id. at ¶ 20.

The Notice also seeks comment on CMRS provision of other fixed services, either specifically or without restriction. Id. at ¶ 22. It asks whether allowing fixed services may create a deficiency in the amount of available mobile spectrum, and if so, whether such a deficiency could be remedied by allowing provision of mobile services using spectrum now allocated for fixed services. Id. at ¶ 24. Finally, the NPR includes proposed changes to the Table of Frequency Allocations to permit fixed and mobile services on the 800 MHz and 900 MHz SMR bands on a co-primary basis. Id. at ¶ 26.

III. DISCUSSION

AMTA supports the Commission's proposals to allow all CMRS providers to provide fixed services using spectrum allocated for mobile services, and to designate these services as an integral part of their CMRS offerings. The dividing line between services traditionally considered mobile and fixed is blurring rapidly as customers find more uses for their wireless devices, and providers devise new services to meet their needs. As the Commission has noted, providers have been uncertain enough when attempting to measure traditional demarcations against non-traditional applications to request guidance from the FCC concerning whether their proposed service

offerings comply with the Rules. Eliminating these restrictions will help greatly in promoting the rapid deployment of new services while complying with the worthy goals of promoting competition and preserving scarce resources.

To create this flexibility only for a certain portion of CMRS spectrum, such as PCS, makes no sense in light of the FCC's entire regulatory program for wireless services over the past two and one-half years. Therefore, AMTA recommends that all of CMRS be entitled to provide fixed wireless local loop service.⁴ Rulemaking proceedings of all kinds, whether directed primarily at a single service such as SMR, or affecting all CMRS licensees, have sought to standardize rules and provide an open arena for effective competition. Authorization to provide particular classes of service would certainly be a major part of any definition of regulatory parity. While many fixed services may now require an amount of spectrum only available through broadband CMRS, narrowband services are also entitled to the same regulatory framework so that they may initiate appropriate services in the future without additional changes to the Rules.

AMTA further agrees with the Commission's proposed definition of "fixed wireless local loop." As noted in the NPR, some present and many future services are likely to include a mixture of wired and wireless components; moreover, PCS and other CMRS services are moving toward providing alternative service to traditional

⁴ AMTA thus supports the Commission's proposal to change SMR rules and the Table of Allocations to allow mobile and fixed services on a co-primary basis.

wireline telephony. The Commission's definition -- "the path between the subscriber and the first point of switching or aggregation of traffic" -- appears to be broad enough to encompass a variety of services without incurring a need among licensees to check with the FCC before initiating offerings.

CMRS licensees, including SMR operators, will be examining new technology as it becomes available, to find opportunities to provide exciting new services to their customers and to make the most efficient use of their licensed spectrum. Therefore, AMTA submits that fixed services in general should be permitted on CMRS spectrum, without being restricted to any particular applications. CMRS licensees should have maximum flexibility to adjust to changes in the wireless marketplace. Should the Commission limit authority for fixed services to a few that are definable now, it is likely to be faced within a few years with a dilemma remarkably similar to that addressed by the NPR: licensees coming to the FCC to ask whether their proposed new service complies with the restrictions included in the Rules. General authorization for those fixed services that are compatible with or complementary to the licensed spectrum and other existing services will preclude this problem.

AMTA further suggests that the marketplace should decide how much CMRS spectrum is devoted to fixed services. With the licensing of more than 120 MHz of PCS spectrum underway, the near-completion of Phase II of 900 MHz SMR licensing and further licensing anticipated in other bands, there is currently ample spectrum for

commercial wireless services. Licensees are well aware of how much spectrum they hold, and are the best judges of what services will maximize the use of their licensed spectrum given the demands of their customers. Providing as much flexibility as possible concerning how much spectrum can be used, and the protocols to employ, will allow providers to make the best choices over time. Given the availability of wireless spectrum, AMTA does not recommend that spectrum now allocated for fixed services be opened to mobile services at this time.

To the extent that CMRS providers offer service that is a true alternative to wired telephony, AMTA recognizes that some changes in the Commission's Universal Service program may be necessary. AMTA does not oppose the imposition of universal service obligations on that portion of CMRS service that serves as basic local exchange communications. However, should CMRS carriers be brought under the Universal Service umbrella, they should also be entitled to the benefits of the program as they provide service to high cost areas or disadvantaged customers.

IV. CONCLUSION

For the reasons stated above, AMTA requests that the FCC proceed expeditiously to adopt final rules in this proceeding consistent with the recommendations herein.

CERTIFICATE OF SERVICE

I, Jacqueline Lynch, a secretary in the law offices of Lukas, McGowan, Nace & Gutierrez, Chartered, do hereby certify that I have on this 1st day of March, 1996, had a copy of the foregoing COMMENTS OF THE AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC. hand-delivered to the following:

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