

Even if a taking is not established, the loss of value in paging systems because of the freeze and the retroactive reduction of interference protection works an undue hardship on small businesses. At least one member of the Coalition recently purchased a paging system at what seemed to be a fair price, and was prepared to improve the system coverage as necessary to develop a reliable and attractive service that could be marketed to the public. However, the value of this system has been severely undermined because the licensee will be unable to make any significant expansions or modifications to the system for the duration of this rulemaking. Thereafter, this licensee will only be able to expand if it can win an auction for far more territory than it had ever contemplated serving.

V. RELATED CARRIERS AND INTERCARRIER PARTICIPANTS SHOULD BE DEEMED TO HAVE A COMPOSITE INTERFERENCE CONTOUR.

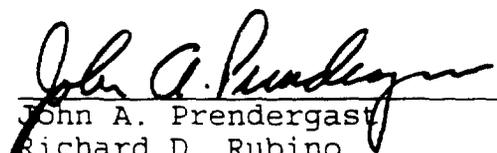
While the Commission proposes to allow the implementation of fill-in transmitters that do not extend a carrier's composite interference contour, it is not clear whether this protection for existing carriers extends to the following situations: (1) carriers which are related by common ownership, and operate co-channel facilities as part of a single system; and (2) unrelated carriers operating jointly pursuant to an intercarrier agreement. In each case, the ability of these carriers to expand and modify their systems, as contemplated by the Commission, will be hindered if they are not recognized to have a composite interference contour made up of the facilities of all participating carriers.

For marketing, organizational and other considerations, paging carriers sometimes create separate subsidiaries, even though these subsidiaries will operate co-channel facilities that will be integrated into a single system. Such carriers should be entitled to recognition of their combined interference contour. Even more common are intercarrier arrangements between unrelated co-channel licensees, since such arrangements have long served as a way to eliminate frequency conflicts and provide enhanced wide-area service to the public. The Commission should likewise recognize the combined interference contours of participants in intercarrier arrangements. Otherwise, their customers will suffer from the inability of these carriers to establish fill-in transmitters in the areas where their systems meet. Such areas will not be available for auction, because they are contained within the interference contour of one or the other participating carriers, or both. Therefore, allowing these carriers to take advantage of the protections described in paragraph 140 of the NPRM would serve the public interest, without undermining the Commission's auction objective.

CONCLUSION

In light of the foregoing, it is respectfully submitted that the Commission's retroactive application freeze should be lifted. Moreover, additional steps are needed in order to ensure that existing licensees can expand and modify their systems in response to customer demands. The Commission should otherwise adopt interim licensing rules in accordance with the suggestions set forth above.

Respectfully submitted,

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APPENDIX A

Ameritel Paging, Inc.

Anserphone of Natchez, Inc.

CommNet Paging Inc.

Metro/Delta, Inc.

Oregon Telephone Corporation

Paging Systems Management, Inc.

Professional Answering Service, Inc.

Radio Paging Service

Radiofone, Inc.

RCC Paging, Inc.

Sema-Phoon, Inc.

Ventures in Paging L.C.

TABLE A

SERVICE/INTERFERENCE CONTOUR (Miles)

		ERP (Watts)					
		1000	1500	2000	2500	3000	3500
HAAT (ft/m)	100/30.5	4.9/20.9	5.6/22.3	6.2/23.3	6.6/24.1	7.0/24.9	7.3/25.5
	200/61.0	7.5/27.1	8.6/29.0	9.4/30.3	10.1/31.4	10.7/32.4	11.2/33.2
	300/91.4	9.6/31.7	11.0/33.8	12.0/35.4	12.9/36.7	13.7/37.7	14.4/38.7
	400/121.9	11.5/35.3	13.1/37.7	14.3/39.5	15.4/40.9	16.3/42.1	17.1/43.2
	500/152.4	13.1/38.4	15.0/41.0	16.4/42.9	17.6/44.5	18.7/45.8	19.6/47.0
	600/182.9	14.7/41.2	16.7/44.0	18.3/46.0	19.7/47.7	20.9/49.1	21.9/50.3
	700/213.4	16.1/43.7	18.4/46.6	20.1/48.8	21.6/50.6	22.9/52.1	24.1/53.4
	800/243.8	17.5/46.0	19.9/49.0	21.8/51.3	23.5/53.2	24.9/54.8	26.1/56.2
	900/274.3	18.8/48.1	21.4/51.3	23.5/53.7	25.2/55.6	26.7/57.3	28.1/58.7
	1000/304.8	20.0/50.0	22.8/53.4	25.0/55.9	26.9/57.9	28.5/59.6	29.9/61.1