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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

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| In the Matter of | ) | |
| | ) | WT Docket No. 96-18 |
| Revision of Part 22 and Part 90 of the Commission's Rules To Facilitate Future Development of Paging Systems | ) | DOCKET FILE COPY ORIGINAL |
| | ) | |
| Implementation of Section 309(j) of the Communications Act -- Competitive Bidding ) | ) | PP Docket No. 93-253 |

**Reply Comments of AT&T Wireless Services, Inc. on Interim Licensing Procedures**

AT&T Wireless Services, Inc., ("AT&T"), by its attorney, hereby files its reply comments in the above-captioned proceeding.[1] In support of its comments AT&T states as follows:

The most striking aspect of the numerous sets of comments filed with respect to the Commission's interim licensing procedures is the unanimous consensus that the Commission's interim licensing procedures are at best ill-conceived and at worst contrary to law. AT&T agrees that the freeze is contrary to the public interest. It works a tremendous hardship on existing providers of paging services with no countervailing public interest benefit.

AT&T also agrees with the numerous parties filing comments that the Commission's interim proposals do not to allow "...incumbent licensees to continue operating their businesses and meeting public demand for paging services during this

[1] *Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems,* Notice of Proposed Rule Making, FCC 96-52 (Feb. 9, 1996) ("NPRM").

rulemaking."[2] Permitting incumbent paging licensees to file applications to modify facilities only insofar as the composite interference contour does not change, is tantamount to a total, unequivocal freeze on the filing of any application which will enable an incumbent to serve the legitimate needs of its subscribers.

The draconian measures adopted by the Commission are further exacerbated by language in the NPRM which on its face would appear to require 931 MHz licensees to compute contours for existing facilities on the basis of the proposed 21 dBuV/m contour. In this regard, AT&T agrees with the many parties who (1) note that computation of contours on this basis radically reduces the RSAC and IC of existing facilities when compared to the rules presently in effect and (2) suggest that unilateral imposition of such a method of contour computation is an impermissible substantive change in the rules which can not be legally supported in the absence of compliance with notice and comment thereon.

AT&T also agrees with the numerous parties who request the Commission to immediately clarify the language of the NPRM with regard to the method by which contours are computed. Specifically, AT&T asserts that at a minimum the Commission should make it clear that all licensees should be able to rely on contours established by the rules in effect immediately prior to the imposition of the freeze for purposes of covering authorizations issued prior to the imposition of the interim processing freeze and for purposes of making permissive changes to existing facilities which do not increase the

[2] NPRM, para. 140.

composite interference contour of stations operating or authorized as of February 8, 1996.[3]

Ideally, to enable paging licensees to continue to operate their businesses and meet legitimate expansion needs AT&T fully agrees with the comments submitted by PageNet and others, that incumbent licensees should be able to expand their existing systems by being permitted to file applications for co-channel facilities which are located within 40 miles of an already authorized site. In order to meet the demands of its customers, AT&T planned numerous expansion facilities a long time ago and has expended substantial financial and human resources in furtherance of its expansion plan. In view of the fact that it is unlikely any other entity could be authorized to operate a co-channel facility located within 40 miles of an already authorized site, the public interest would be served by allowing such applications to be filed.

Respectfully submitted,

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March 11,1996

[3] AT&T also asserts that applications to serve "new" service area be allowed to the extent the composite interference contours do not increase.

## CERTIFICATE OF SERVICE

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