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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN THE MATTER OF	)	
	)	WT Docket No. 96-18
Revision of Part 22 and Part 90	)	
Request for comments for	)	FCC 96-52
Development of Paging Systems	)	

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COMMENTS FROM TeleBEEPER of NEW MEXICO, INC

These comments are submitted by TeleBEEPER of New Mexico, Inc (a New Mexico corporation) in response for request for comments in the above referenced matter.

Comment on geographic licensing proposal

We support to license on either an MTA or State-wide basis. In order to support the greatest coverage in the public interest we suggest that a minimum of two transmitters per BTA in a MTA, or one transmitter per county in a state be constructed within 18 months in order to qualify for a geographic licence.

Comment on 931.4375 as nationwide channel

We DO NOT support a proposal to make 931.4375 MHz a nation wide channel. We feel MTEL has NOT made an effort to construct this channel on a nation-wide basis in the past 5 years.

We feel that this may make an ideal channel for Rural Telephone Companies to offer one-way signaling on. MTEL has only constructed this channel in major cities and could co-exist with Rural Telephone companies.

Comment on Lower Band CCP Channels

We feel that the reason for less demand for lower band channels TODAY has occurred due to a limited number of frequencies that were available from 1980 thru 1992. Most channels were constructed in the major cities with little regard for coverage to the smaller area's of population. Older mobile telephone operations are still licensed and some still operational since the mid 1970's. It has been difficult to find a channel in these lower bands to utilize on a state wide basis. Further, of the channels currently licensed in many area none have been built!

A key benefit to geographic licensing at the lower bands would be to free up un-used spectrum. Relative cost to convert an existing lower band channel should be minimal for one-way paging.

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Comments on Shared PCP channels

We feel that to retain the status quo is not an option! We utilize the PCP channels in our area. At the time we started business 10 years ago, the PCP channels had little or no activity and all the CCP channels had a license application on them. Since that time most of the CCP channels have become vacant. We have had to suffer with the limitations of the present rules on our existing PCP channels.

In the past few years we have seen applications on the channels that we are using from companies that have applied for reasons of causing us economic harm. PCIA (Formally NABER) DOES NOT assess the area for channel loading or alternate vacant channels. We have a large investment in site construction and user equipment. We would like to see that investment protected. Our suggestion is to convert the PCP channels to exclusive use. Incumbent operators prior to 1993 should be given the first opportunity for exclusive use since they have had to bear the expense of pioneering the channels. We DO NOT support the PCIA petition as it will not allow protection to existing license's. (ie; six transmitters may be offered exclusive use in a area, but be overridden by another licensee wanting a regional system.) If six transmitters is to be the rule for exclusive use, than it should be based on interference contour and not on fixed milage between transmitters.

Comment on non-commercial services

We note the importance of in-house systems. However we feel that this operation could be moved to vacant business channels. Of course any applicant seeking exclusive status should bear the cost of moving a non-commercial user to a new channel, or provide them service.

Comment on Coverage Requirements

We feel that minimum coverage should be a condition of licensing. History has shown to date that even though an incumbent licensee has a nation-wide or regional exclusive, rural america is not being served. In the interest of public necessity, geographic applicants should be required to cover 75% of the area applied for in the first five years.

Comments on construction requirements

We have noted that many 929 PCP nation wide licensees also hold 931 CCP licenses at the same location. We doubt that this is in the best interest of the public. Most locations that we visit have one transmitter with two channels installed. Only one channel can be used at a time. This means that twice the spectrum is used by one licensee for one activity. We would propose that an applicant could not have a 929 and 931 licensee in the same geographic area. The license activity to date indicates a spectrum warehouse is being maintained by a few operators.

Comment on slow growth extensions

We support the termination of slow growth applications.

Comment on Maximum Power

We feel that the 929 PCP should be allowed a maximum ERP of 3500 watts. This would level the playing field for local exclusive channels. (Only nation wide PCP channels can have the higher ERP at this time.)

Comment on eligibility

We feel incumbents should be offered an opportunity to build out to geographic status. An incumbent will not receive a channel at less than fair market value if the commission assesses a per unit charge, as the incumbent should already have a subscriber base that can be taxed.

Closing comment

We think that the Commission has made a good effort in making spectrum available for public use. We hope that our comments will assist them in a fair rulemaking process. We cannot stress enough the need to protect incumbent operations. We would like to see the elimination of invalid licenses that have been produced by the license mills to date. Our further concern is to see that the public interest is served through your rulemaking activities.

Respectfully submitted,

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