



Federal Communications Commission  
Washington, D.C. 20554

MAY 3 1996

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

DOCKET FILE NOT ORIGINAL

The Honorable Strom Thurmond  
United States Senate  
217 Russell Senate Office Building  
Washington, D.C. 20510-4001

Dear Senator Thurmond:

Thank you for your letter of April 18, 1996, on behalf of your constituent, Robert A. Kinder, Jr. (case #5573), regarding the Commission's decision to freeze acceptance of paging applications. Mr. Kinder expresses concern that the suspension of processing of paging applications will adversely affect small businesses that provide paging services.

The Commission is currently conducting a rulemaking proceeding that proposes to transition from licensing paging frequencies on a transmitter-by-transmitter basis to a geographic licensing approach, using auctions to award licenses where there are mutually exclusive applications. In conjunction with that proceeding, the Commission initially froze processing of applications for paging frequencies. On April 23, 1996, the Commission released a First Report and Order in WT Docket 96-18 and PP Docket 93-253, which adopted interim measures governing the licensing of paging systems and partially lifted the interim freeze for incumbent paging licensees. For your convenience and information, enclosed is a copy of the Press Release concerning the First Report and Order, which includes a summary of the principal decisions made. Specifically, small and medium sized incumbent paging companies will be permitted to expand their service areas if the proposed new site is within 65 kilometers (40 miles) of an authorized and operating site. These interim rules will remain in effect until the Commission adopts final rules in the paging proceeding.

Thank you for your inquiry.

Sincerely,

David L. Furth  
Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

Enclosure

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STROM THURMOND  
SOUTH CAROLINA

PRESIDENT PRO TEMPORE  
UNITED STATES SENATE

COMMITTEES  
ARMED SERVICES, CHAIRMAN  
JUDICIARY  
VETERANS' AFFAIRS

# United States Senate

WASHINGTON, DC 20510-4001

April 18, 1996

*PRB  
PR-Paging  
2082*

Ms. Judith Harris  
Director of Governmental Affairs  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Dear Ms. Harris:

Enclosed is a copy of correspondence I have recently received from Mr. Robert A. Kinder, Jr.. I believe you will find it self-explanatory.

Your reviewing this material and providing any assistance or information possible under the governing statutes and regulations will be greatly appreciated. Thank you for your attention in this matter. I look forward to hearing from you soon.

With kindest regards and best wishes,

Sincerely,

*Strom Thurmond*

Strom Thurmond

ST/ha

Please refer to case #5573 in your response.  
Enclosure

TOTAL COMMUNICATION SYSTEMS  
114 Keowee School Road  
Seneca, SC. 29672  
(864) 882-66813, Fax. (864) 888-0810

April 17, 1996

Honorable Senator Thurmond  
US Senate  
Washington DC.

Dear Senator Thurmond,

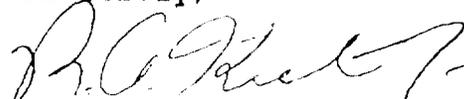
I operate a small paging (beeper) company in Seneca, our area of service is from Commerce GA. to Gaffney SC., with all of my customer base in South Carolina. I need your help to resolve action taken by the FCC on February 8, 1996. On this date the FCC placed a freeze on new radio license grants in the paging radio services, FCC docket # 96-18 and pp93-253. This would be under CFR parts 22 and 90. With the exception being those large paging companies which hold nation wide licenses. The reason given for this freeze is so they can auction these frequencies.

Senator, I do not oppose auctioning new radio spectrum nor do I oppose licensing by the FCC. However, to try auctioning off radio spectrum currently authorized and in use by mostly small business owners is just unheard of. At this time I can't improve service to my customers. I have several areas that my customers need improved service. One of these is Honea Path, SC. I applied for a new license to build a paging transmitter this would provide improved signal levels allowing for improved service. If I am not allowed to improve service in these areas then my customers will go to the nation wide companies that can improve their service. My company provides jobs for 4 family bread winners; their jobs may be a risk should this action by the FCC be allowed.

Further, each transmitter site constructed injects twenty to twenty five thousand dollars back into the economy. In my case these transmitters are made in the USA. Unless I can license new sites then there is no reason to buy new equipment.

Senator, there is a coalition of fellow paging industry owners and managers making a proposal to the FCC to remove some of the burden placed on the little man. I need your help in supporting this proposal, let the FCC know it's hurting your constituents. Ask that they accept this proposal which is attached. Also, Senator Pressler is proposing legislation to lift the freeze; please give him your support and vote, I need it.

Sincerely,



Robert A. Kinder, Jr.

April 16, 1996

From Bob Kinder

864-882-6813

## COALITION FOR A COMPETITIVE PAGING INDUSTRY

In the interests of expediting action by the Commission to alleviate the detrimental impact of the paging freeze on incumbent operators, the Coalition would be willing to support an interim approach based on the following elements.

1. In order to allow incumbent paging operators to meet customer demand during the pendency of the freeze, the FCC will accept, process and grant under the Commission's rules in effect as of February 7, 1996, applications by Part 22 and Part 90 paging licensees or permittees for new or modified facilities within seventy-five (75) miles from the incumbent's authorized or operational transmitter sites where such applications are filed with the FCC or submitted for coordination prior to adoption and release of the first auction notice. There would be no distinction between shared and non-shared channels for these purposes.
2. Incumbent applications will be subjected to public notice and competing applications, if required under the rules in effect as of February 7, 1996, and, if permitted under those rules, competing applications could be filed by incumbents or new applicants which would be mutually exclusive with the noticed applications and which otherwise protect existing or proposed facilities.
3. The FCC agrees to process applications for new or modified facilities within sixty (60) days from submission of the application to the FCC or from expiration of the deadline for the filing of competing applications or, alternatively, to permit construction and operation of the facilities pursuant to a conditional licensing approach (see, e.g., Rule 90.159(b)).
4. Requests for exclusivity on 929 MHz channels would be granted in appropriate cases under rules in effect as of February 7, 1996.
5. Mutually exclusive applications would not be processed until the conclusion of the rulemaking and would be subject to whatever approach is adopted in the rulemaking for resolving mutual exclusivity including auctions. However, parties could agree to eliminate mutual exclusivity through inter-carrier sharing agreements in appropriate cases.

\*\*\*END\*\*\*

cc: Commercial Wireless Division  
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