

RECEIVED

JUL 29 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

In the Matter of)
)
Revision of Part 22 and Part 90)
of the Commission's Rules to)
Facilitate Future Development of)
Paging Systems)
)
Implementation of Section 309(j))
of the Communications Act -)
Competitive Bidding)

WT Docket No. 96-18

PP ~~DOCKET #~~ NO. 93-253
DOCKET FILE COPY ORIGINAL

To: The Commission

DOCKET FILE COPY ORIGINAL

COMMENTS

Respectfully Submitted,

PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION

Robert L. Hoggarth
Senior Vice President
Paging & Narrowband
Personal Communications
Industry Association
500 Montgomery St. #700
Alexandria, VA 22314
(703) 739-0300

COUNSEL:

Alan S. Tilles, Esquire
Meyer, Faller, Weisman
& Rosenberg, P.C.
4400 Jenifer Street, N.W. #380
Washington, D.C. 20015
(202) 362-1100

Date: July 29, 1996

TABLE OF CONTENTS

SUMMARY iii

I. BACKGROUND 2

II. COMMENTS 4

 A. The Request Is Outside The Scope
 Of This Proceeding 4

 B. The Emergency Request Is Without Merit . 5

 1. PCIA Must Still Perform
 Frequency Coordination 5

 2. Coordination Is A Critical
 Spectrum Management Function
 That Involves More Than Mere
 Frequency Selection 12

 3. PCIA Has Proposed A Workable
 Partial Grant Solution 15

 4. The Commission Continues To
 Exercise Its Oversight Authority . 18

III. CONCLUSION 20

SUMMARY

The Personal Communications Industry Association ("PCIA"), respectfully requests that the Commission dismiss the Emergency Request For Waiver Or, Alternatively, Request To Initiate Commission Oversight Of PCIA Coordination Fees ("Request") filed by the Coalition for a Competitive Paging Industry ("Coalition") in the above-referenced proceeding. As explained herein, the Coalition's Request exhibits a total lack of understanding of and appreciation for the frequency coordination process established by the Commission in 1936. It's claims are unfounded, unsound and without legal or practical justification. Moreover, the Request, if granted, will unnecessarily delay the processing and grant of paging applications, the very consequence that PCIA, and arguably the Coalition, has worked to prevent.

Contrary to the Coalition's assertions, the Commission has not relieved PCIA of its responsibilities regarding the frequency coordination process. In fact, PCIA has been given additional responsibilities. With the exception of the duty of selecting the best channel available, PCIA's review of the First Report and Order clearly demonstrates that the frequency coordinator must still conduct all the other duties detailed in the Frequency Coordination Docket.

The rules adopted by the Commission for applications filed during the Interim Licensing Period encourage the filing of

applications with a single transmitter site per application. When PCIA recognized this flaw in the Commission's Interim Paging rules, PCIA proposed to Commission personnel that during the Interim Licensing Period the Commission should permit applicants with multiple transmitter sites on an application to have conditional authority to operate from those transmitter sites on the application that do not become the subject of a mutually exclusive application.

Secondly, PCIA proposed that the Commission permit initial applicants to delete transmitter sites from applications if such transmitter sites are the subject of mutually exclusive applications. By deleting MX'ed transmitter sites, which would resolve the mutual exclusivity, applicants could have their applications partially granted by the FCC pursuant to 47 C.F.R. §90.166(c).

PCIA's partial grant proposal eliminates the incentive for applicants to file multiple applications. These two proposals: (1) reduce applicant costs; (2) reduce coordinator workload; and (3) reduce the Commission's workload. Moreover, they are entirely consistent with current Commission Rules. PCIA suggested that this was a workable solution which should be immediately adopted by the Commission. Unfortunately, the Coalition's failure to actively support this proposal has delayed Commission adoption of the proposal prior to July 31, 1996, the deadline by which the Commission recommended that applicants file applications.

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

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

To: The Commission

COMMENTS

The Personal Communications Industry Association ("PCIA"), through counsel and pursuant to Section 1.45 of the Commission's Rules, 47 C.F.R. §1.45, hereby respectfully requests that the Commission dismiss the Emergency Request For Waiver Or, Alternatively, Request To Initiate Commission Oversight Of PCIA Coordination Fees ("Request") filed by the Coalition for a Competitive Paging Industry ("Coalition") in the above-referenced proceeding.¹ As explained herein, the Coalition's Request exhibits

¹The Request is in reality a Petition for Reconsideration of the Commission's First Report and Order. However, the Commission's Public Notice of June 25, 1996 (Report No. 2139) does not list the Coalition filing. Subsequently, the Commission placed the Coalition Request on Public Notice on July 12, 1996 (DA 96-1126), and established a date of July 22, 1996 for filing Comments. By letter dated July 19, 1996, the Coalition's attorney requested an extension of the Comment date. This request was improperly filed, as counsel for the Coalition filed to notify PCIA's counsel orally as required by Section 1.46(c) of the Commission's Rules. Nevertheless, the Commission granted a seven (7) day extension until July 29, 1996. DA 96-1168, released July 22, 1996. Therefore, PCIA's Comments are timely filed.

a total lack of understanding of and appreciation for the frequency coordination process established by the Commission in 1986. It's claims are unfounded, unsound and without legal or practical justification. Moreover, the Request, if granted, will unnecessarily delay the processing and grant of paging applications, the very consequence that PCIA, and arguably the Coalition, has worked to prevent.

I. BACKGROUND

Frequency coordination plays a critical role in spectrum management of all radio frequencies and is particularly crucial to an orderly transition as the FCC modifies its rules for the processing of paging applications. The Commission clearly intends that PCIA coordinate applications filed during the interim period as it moves to market area licensing of certain paging bands. On April 23, 1996, the Commission released a First Report and Order in WT Docket No. 96-18 that addressed the licensing of Part 22 and Part 90 paging frequencies. In addition, on May 10, 1996, the FCC released a "Public Notice" (DA 96-749) which discussed additional issues relating to the proceeding.

The Public Notice states that Part 90 paging applications will continue to be submitted to PCIA.² The Public Notice also states that applications without the required construction certification

²Wireless Telecommunications Bureau Establishes Interim Procedures For Filing Of Common Carrier And Private Carrier Paging Applications, DA 96-749, released May 10, 1996 at 2.

"... will not be coordinated by the frequency coordinator...." ³
Further, the First Report and Order states in paragraph 4 that "... applications for shared channels will continue to be subject to coordination and granted on a shared basis..." and paragraph 32 states that with regard to applications for shared paging channels, PCIA will "deny coordination to any application that does not meet [the construction certification] requirement".

On the basis of these statements, PCIA has renewed processing of paging applications for Part 90 frequencies. Additionally, as required by the First Report and Order, PCIA now reviews paging applications to ensure that new transmitter sites are within forty (40) miles of sites already authorized by the FCC and constructed by the applicant.

On June 10, 1996, the Coalition filed its Request. The Coalition claims that coordination is no longer required by the Commission's Rules as a result of the First Report and Order. The Coalition asks the Commission to waive Section 90.175 of its rules (which requires frequency coordination) or review PCIA's coordination fees to determine whether such fees are reasonable as the result of the First Report and Order.⁴

³Id.

⁴When PCIA first received a copy of the Coalition Request, PCIA was concerned that Coalition members may not be aware of or appreciate the scope of the Commission's decision and the need for continued frequency coordination. Previously, the only source of complaint had been a single representative of the group. Upon receiving a copy of the Coalition Request, PCIA immediately

II. COMMENTS

A. The Request Is Outside The Scope Of This Proceeding

Even if the Coalition's Request were not unfounded, unsound and without justification (exhibiting a total lack of understanding of and appreciation for the frequency coordination process) it would still be technically and legally flawed.

The Request asks for fundamental changes in the manner in which Part 90 applications are processed. The frequency coordination procedures (note that the Commission consistently refers to this process as frequency coordination and not frequency selection) were adopted by the Commission as the result of a lengthy and detailed rule making proceeding in PR Docket No. 83-737.⁵ As discussed below, the Commission adopted specific responsibilities for frequency coordinators in the Frequency Coordination Docket that were consistent with specific Congressional directives.⁶ These procedures were not a part of the

attempted to contact a sample of Coalition members listed in the Coalition's "Member Roster" dated March 7, 1996 that was submitted to the Commission. However, PCIA was unable to identify any company who: (1) was aware of the Coalition Request immediately after it was filed or; (2) supported the requested action. PCIA believes that it would be appropriate for the Commission to require that the Coalition specifically identify those paging companies who are supporting the Coalition Request in future filings with the Commission.

⁵Report and Order, PR Docket No. 83-737, 103 FCC 2d 1093 (1986) (hereinafter "Frequency Coordination Docket").

⁶"The Communications Amendments Act of 1982", P.L. 97-259, 96 Stat 1087, September 13, 1982.

Commission's deliberations in WT Docket No. 96-18 with regard to applications filed during the Interim Licensing Period. Therefore, the consideration of these matters is outside the scope of this proceeding, and the Petition should be dismissed.

B. The Emergency Request Is Without Merit

1. PCIA Must Still Perform Frequency Coordination

Contrary to the Coalition's assertions, the Commission has not relieved PCIA of its responsibilities regarding the frequency coordination process. In fact, PCIA has been given additional responsibilities. The First Report and Order only discusses one duty that is often (but not always) performed by the frequency coordinator, which will no longer be necessary for certain paging applications. In paragraph 29, the Commission states that "... the frequency coordinator will not be able to select a channel to avoid a mutual exclusivity." With the exception of the duty of selecting the best channel available, PCIA's review of the First Report and Order clearly demonstrates that the frequency coordinator must still conduct all the other duties detailed in the Frequency Coordination Docket.

PCIA must continue to perform its frequency coordination duties for applications filed during the Interim Licensing Period. Although PCIA will not be required to select a frequency, PCIA must still perform its primary function, providing "... for more

efficient use of the congested land mobile spectrum..."⁷ and ensuring that the application does not pose an interference problem to or short-space other co-channel licensees. For example, when an applicant files an application for a new transmitter site 35 miles away from its own constructed system, PCIA must review licensing on the same channel to check for non-affiliated systems and to ensure compliance with Section 90.495 of the Commission's Rules. Such actions clearly constitute coordination of frequency assignments.

With regard to paging frequencies in the 150 MHz band, PCIA must also coordinate paging applications during this interim period with non-paging co-channel licensees⁸ and adjacent channel users.⁹ In addition, PCIA is still required to determine whether paging sites are above "Line A" and coordinate such paging applications with the Canadian government.¹⁰

Further, PCIA now has a new interference control function to perform under the First Report and Order. New applicants may now file applications which "MX" applications already on file and placed on Public Notice by the Commission. Those applications are

⁷Conference Report No. 97-765, 97th Cong. 2d Sess., August 19, 1982 at 53, reprinted in 1982 U.S. Code Cong. & Ad. News 2237.

⁸In the 150 MHz band, paging channels are also used by non-paging systems eligible in the Petroleum, Forestry and Special Industrial Radio Services. See, 47 C.F.R. §§90.65(c)(5) and 90.75(c)(11).

⁹47 C.F.R. §90.175(e).

¹⁰Id.

filed directly with the Commission by the applicant, with the coordinator receiving only a copy.¹¹ Pursuant to a meeting on June 7, 1996, with the Wireless Telecommunications Bureau, PCIA will review those "MX" applications to ensure that they do not impermissibly short-space another, existing system. However, since the applications are not filed directly with PCIA, there is no coordination fee associated with them. Therefore, PCIA will perform this function without reimbursement from the second applicant.¹²

In the Frequency Coordination Docket, the Commission enunciated a host of specific responsibilities for frequency coordinators.¹³ In paragraph 53 of the Report and Order, the Commission specifically required frequency coordinators to:

1. provide coordination service on a non-discriminating basis;
2. review the Form 574 (now Form 600) for completeness and review items 1-25 for general correctness;
3. process applications in order of receipt;
4. file coordinated applications with the Commission;

¹¹PCIA has requested Commission reconsideration of this action.

¹²The Commission has in other instances required the frequency advisory committee to be involved in licensing matters even though a coordination fee is not contemplated as part of the effort by the committee. Report and Order, PR Docket No. 83-737, 103 FCC 2d 1093 (1986) at para. 25.

¹³Report and Order, PR Docket No. 83-737, 103 FCC 2d 1093 (1986).

5. handle post-licensing conflicts involving frequency selection;
6. respond to coordination requests and applications in a timely manner;
7. recommend the most appropriate frequency;
8. handle interservice sharing requests;
9. maintain reasonable and uniform fees;
10. establish a single point of contact nationally; and
11. facilitate the use of new technologies.

In order to accomplish this task, PCIA has created a coordination system which performs the following functions:

1. Assignment of control number;
2. Data entry of information;
3. Verify items 1-25 for completeness;
4. Check Canadian Border clearance;
5. Since the mere addition of a transmitter 40 miles from a constructed site may still cause co-channel interference concerns (particularly on exclusive frequencies), perform interference analysis of requested frequency. Potential interference situations may require PCIA to;
 - a. Coordinate the application and present the FCC with attachments regarding PCIA's concerns;
 - b. Notify and/or request additional information from applicants;
 - c. Refer cases of unworkable interference to a PCIA Paging Advisory Committee;
 - d. Refuse coordination and present the FCC with attachments regarding PCIA's concerns;

6. Verify that coordinates are within the state indicated on form;
7. Verify that Power and/or ERP are within FCC technical limits;
8. Verify that the requested frequency is valid and that the emission fits into the proper code format;
9. Verify the FCC fee amount and fee code. Prepare the FCC fees for applicants where appropriate;
10. Overnight Mail applications to Mellon Bank, sorting applications into separate bags for each FCC Post Office Box;
11. Notify customers of coordination by letter. This is important, as the coordination form provides the applicant with conditional authority in most cases;
12. Track applications with the FCC;
13. Modify existing computer records with new data for modifications;
14. Update data base when new license information arrives from the FCC;
15. Answer applicant questions about status of applications and other license procedures;
16. For License*Link - electronic filing/electronic handling of FCC Fees;
17. Handle FCC Return issues;
18. Resolve post-licensing conflicts;

In addition to frequency selection, in its Report and Order the Commission determined that certified coordinators were:

... responsible for reviewing those matters pertaining to the top portion of the current Form 574. Thus, [the FCC] will require coordinators to assure that applications are

complete and that data items 1-25 on the Form 574 application are correct.¹⁴

As a result, the coordinator must review and correct or modify such items as frequency, emission designator, power, antenna height, coordinates, address, etc. These duties are vital to the processing of applications by the Commission, as 83% of the applications which reach PCIA require modifications to one or more of the above-listed items.¹⁵

For example, PCIA recently received an application filed by a 929 MHz licensee under the Interim Rules. The applicant improperly entered its coordinates on the application. Fortunately, PCIA spotted the error and was able to contact the applicant for a correction. More importantly, the applicant miscalculated whether

¹⁴Id. at para. 20. The Coalition Request severely mischaracterizes the Commission's statement that coordinators "... must already review all the technical items as a matter of course in handling each coordination request." A complete reading of paragraph 20 shows that the Commission's discussion at this point relates to functions which the coordinator had already demonstrated an ability to adequately perform. To claim that this statement means that review of the application is an "ancillary" duty stretches the paragraph beyond the Commission's and Congress's clear intent.

¹⁵It is interesting to note that the modification rate for applications submitted to PCIA has actually increased over the past two years, perhaps due to the new FCC Form 600. In addition, it has been suggested that the rate is high due to speculative applications. In fact, since most speculative applications can be traced to a few application mills which are experienced in application filings and have filed hundreds of applications, the correction rate on those applications is generally lower than the average. Further, PCIA's initial review of Interim Paging applications thus far shows that the correction rate is fairly consistent with past practice.

the new site was within 40 miles of its existing site. The new site was actually over 67 kilometers (41.63 miles) from the existing site and therefore was not qualified under the Interim Rules.¹⁶

The frequency coordinator is the first point of contact in interference situations and is responsible for helping to resolve post-licensing conflicts.¹⁷ Thus, PCIA is often called upon to help resolve post-licensing disputes. Currently, PCIA is involved in attempting to settle 15 post-licensing disputes, of which 7 involve paging frequencies. Further, although coordinators do not make "final determinations" on eligibility or permissible usage, coordinators review and provide comments on such items.¹⁸

There are also several new responsibilities for PCIA as a result of the First Report and Order. PCIA has been asked to:

1. Verify that sites are within 40 miles per the Commission's request;
2. Ensure that the appropriate new construction certifications are attached;
3. Provide the FCC with lists of applications filed on the 17 "MX" 929 MHz channels to assist them with Public Notice procedures;

¹⁶PCIA found similar distance calculation errors when it processed initial exclusivity requests for 929 MHz paging systems in 1994.

¹⁷Id. at para. 26.

¹⁸Id.

4. Receive, data enter, and analyze all non-coordinated "MX" filings that target coordinated applications.

In 1991, the Commission had also asked PCIA to review old item 27 of the FCC Form 574 for antenna tower clearances. Earlier this year, the Commission's Land Mobile Branch also asked that PCIA request specific loading information from applicants in those instances when PCIA suspected that the applicant was a speculator.

2. Coordination Is A Critical Spectrum Management Function That Involves More Than Mere Frequency Selection

The Coalition Request exhibits no understanding or appreciation of PCIA's coordination responsibilities and the critical spectrum management function they play. The Request states that "... the frequency coordinator's authority is premised upon frequency selection [and] PCIA's authorized coordination duties have now been effectively eliminated by the interim rules..." and therefore any application which does not require frequency selection may not be reviewed by the coordinator.¹⁹ However, a review of the frequency coordination docket, any Commission decision regarding frequency coordination, and common sense clearly demonstrates that frequency selection is not the coordinator's only duty.

There are numerous examples wherein the Commission has specifically charged frequency coordinators with spectrum management responsibilities where no frequency selection is

¹⁹Coalition Request at 3.

required. For example, in the Frequency Coordination Docket, the Commission required frequency coordination for the following types of applications which do not require frequency selection: (1) add-on users to existing community repeaters; (2) add-on users to existing conventional SMR systems; (3) changes in emission; (4) changes in power; (5) changes in antenna height; and (6) changes in class of station.²⁰ Later in the proceeding, the Commission amended its rules to require frequency coordination for paging licenses whenever the number of paging receivers was increased or decreased by fifty or more units.²¹ None of these applications require a frequency selection, yet the Commission requires that each be certified by the applicable frequency coordinator. Similarly, in the 470-512 MHz, 800 MHz and 900 MHz bands, licensees seeking to move their transmitter sites have been required to submit an application for frequency coordination to ensure that new transmitter locations meet the co-channel separation requirements specified in the applicable Part 90 sections.

Despite its lofty intentions, the Coalition's Request, if granted, would delay - not improve - paging application processing. When informed during a Commission meeting on June 7, 1996, of the necessity of ensuring that applications for new stations within

²⁰Report and Order, PR Docket No. 83-737, supra at para. 112. See also, 47 C.F.R. §90.135(c).

²¹Memorandum Opinion and Order, PR Docket No. 83-737, 61 RR 2d 148 (1986) at para. 32.

forty miles of existing stations do not impermissibly "short-space" unrelated co-channel systems (or adjacent channel systems in the 150 MHz band), the Coalition requested that the Commission -- not PCIA -- perform this duty. Even if the Commission were inclined to begin such application review, by the time the Commission reviews the various comments and reply comments on this issue, obtains the necessary computer resources and trains its Gettysburg personnel, the Interim Licensing Period will be over. Thus, the Coalition's Request, if granted, will unnecessarily delay the grant of paging licenses and would prevent certain applications from ever being granted.

PCIA's discussions with its PNPA members as well as companies identified as Coalition members yields a consistent concern. Although paging operators opposed the Commission's freeze on the acceptance of paging applications, paging operators want the Commission to expeditiously grant those applications that are being accepted. Clearly, the only means by which the Commission can expeditiously grant pending applications is through the continued use of the current application procedures.²²

²²The Commission has consistently found that the coordination system has value and paging applicants have consistently requested that PCIA have additional responsibilities in reviewing applications. For example, in RM-7837 PCIA filed a Petition for Rule Making, at the request of its paging members, to enable PCIA to coordinate applications conditioned on the use of channel sharing devices such as shared paging terminals. The Commission found that PCIA already had such authority. PCIA's responsibility, designated by the Commission, to review and confirm local and regional exclusivity requests for "grandfathered" paging licensees

3. PCIA Has Proposed A Workable Partial Grant Solution

The Coalition Request raises one legitimate issue. As noted on page 3 of the Coalition Request, the rules adopted by the Commission for applications filed during the Interim Licensing Period encourage the filing of applications with a single transmitter site per application.²³ The Commission's decision to accept applications that are mutually exclusive with pending applications creates a serious risk for existing licensees. Incumbent applicants would not receive grants for all sites listed on a single application if a new applicant (incumbent or new entrepreneur) files an application which is mutually exclusive with even one site on the initial application.

By requesting a single transmitter site per application, applicants would incur additional costs in coordination fees and FCC application fees. As a result, PCIA and the Commission must process additional applications, track more applications, list more applications on Public Notice, etc. This will inevitably slow down the application grant process to the detriment of the entire paging industry.

represents another example of a coordination function performed by PCIA which did not involve the selection of a frequency. Report and Order, PR Docket No. 93-35, supra.

²³The Coalition Request improperly states at page 3 that "... applicants must pay a coordination fee of \$225 to PCIA, for each site, in addition to the FCC's application fee." In fact, the coordination fee is \$225 per application. A single FCC Form 600 may include up to six transmitter sites.

When PCIA recognized this flaw in the Commission's Interim Paging rules, PCIA investigated options to eliminate the single site per application incentive. PCIA spent a considerable amount of time with Commission personnel in Washington and Gettysburg discussing these options. PCIA eventually identified a dual faceted approach that is within the Commission's rules and would not result in processing difficulties in Gettysburg.

PCIA proposed to Commission personnel that during the Interim Licensing Period the Commission should permit applicants with multiple transmitter sites on an application to have conditional authority to operate from those transmitter sites on the application that do not become the subject of a mutually exclusive application pursuant to 47 C.F.R. §90.165. In other words, an applicant listing six transmitter sites on a single application would have conditional authority to operate from any of the transmitter sites which are not "MXed" by a later filed application.

This proposal would eliminate the incentive for applicants to use a single application for each transmitter site by permitting applicants to immediately construct non-MX'ed sites. Such applicants could continue to operate while the Commission processes the application through whatever licensing mechanism is eventually adopted. As a result, short-term business needs can be addressed within the parameters of the current application freeze.

Secondly, PCIA proposed that the Commission permit initial applicants to delete transmitter sites from applications if such transmitter sites are the subject of mutually exclusive applications. Modifications to delete transmitter sites are "minor" modifications pursuant to 47 C.F.R. §90.164. By deleting MX'ed transmitter sites, which would resolve the mutual exclusivity, applicants could have their applications partially granted by the FCC pursuant to 47 C.F.R. §90.166(c).

PCIA's partial grant proposal eliminates the incentive for applicants to file multiple applications. These two proposals: (1) reduce applicant costs; (2) reduce coordinator workload; and (3) reduce the Commission's workload. Moreover, they are entirely consistent with current Commission Rules. PCIA suggested that this was a workable solution which should be immediately adopted by the Commission.²⁴ Unfortunately, the Coalition's failure to actively support this proposal has delayed Commission adoption of the proposal prior to July 31, 1996, the deadline by which the Commission recommended that applicants file applications. As a result, the benefit which could have accrued to applicants has been lost.

²⁴PCIA presented its proposal to the Coalition's counsel at a June 7, 1996 meeting with FCC staff, prior to the filing of the Coalition Request. Unfortunately, the Coalition Request fails to even mention the proposal, or why it might be unacceptable.

4. The Commission Continues To Exercise Its Oversight Authority

The Coalition Request also asks that the Commission, if it elects not to grant the Coalition Request for a blanket waiver of the frequency coordination requirements, "... initiate a proceeding..." to review PCIA's coordination fees. Such action by the Commission is unfounded and unnecessary.

The Commission has continually exercised its oversight authority to review coordination fees for nearly a decade. Since 1986, PCIA has been asked by the Commission on numerous occasions, if not an annual basis, for information regarding coordination fees, including paging coordination fees. At the conclusion of its inquiries, the Commission has never found any cause to take any action with regard to such fees. In fact, during most of the last ten years, PCIA's coordination fees have been the lowest in the business.

There is no basis for a review of PCIA's coordination fees at this time. The Coalition has not presented the Commission with any evidence that the charges assessed are inappropriate for the services performed.²⁵ The Coalition has not presented any evidence that the currently imposed application charges impose a hardship on

²⁵Importantly, the coordination services performed by PCIA are services mandated by the Commission as a result of the Frequency Coordination Docket and other coordination proceedings. See, for example, Order, RM-7837, DA 92-200 (released February 24, 1992); Report and Order, PR Docket No. 93-35, FCC 93-479 (released November 17, 1993). More importantly, however, the delegation of such duties to the frequency coordinator were the result of the specific requests from the paging industry.

its members. In fact, since the Coalition did not challenge PCIA's coordination fees prior to the adoption of the Interim Paging Rules, it would be dissembling to suggest that such hardship now exists. Further, to the extent that a hardship is imposed by virtue of the incentive to file multiple applications, the Coalition has failed to explain how PCIA's partial grant/conditional licensing proposal does not address such concerns.

In fact, the only allegation that PCIA's coordination charges are unjustified comes from a letter dated June 24, 1996 to counsel for PCIA from the Coalition's present counsel.²⁶ In that letter, the Coalition admits that the coordination functions being performed by PCIA are "useful", but that PCIA should seek compensation from the Commission, not paging applicants. Nowhere does the Coalition suggest that it should compensate the Commission for these additional tasks which it wishes for the Commission to perform. However, since the Commission's application fees are based upon the amount of work which the Commission expects will be required for each application it processes,²⁷ the Commission's application charges could be increased.

²⁶See, Letter to Alan S. Tilles from Jill Abeshouse Stern, dated June 24, 1996. A copy of the letter was sent to the Commission by Ms. Stern.

²⁷See, MD Docket No. 96-84, FCC 96-295, released July 5, 1996.

The Commission has confirmed to PCIA that the coordinator is still required to perform all of its coordination activities with regard to paging applications (except for frequency selection). The Coalition admits that such activities are "useful". No evidence has been submitted by the Coalition that the fees imposed by PCIA are not consistent with the work being performed. Therefore, the Coalition's demand for a reduction in coordination fees should be rejected.

PCIA's coordination fees are cost-based. The Coalition has failed to present the Commission with any evidence to the contrary. Further, PCIA's Board of Directors are applicants themselves. Consistent with the requirements of the Frequency Coordination Docket, PCIA is representative of the users of this service. Such Board and Council Members constantly monitor PCIA's coordination performance, and recommend changes as appropriate. For example, several years ago PCIA adopted paging coordination procedures as the result of input from paging members which included a three-member Board to arbitrate disputes. The three-members consist of actual paging licensees and/or engineers familiar with paging operations, and the members help decide questions involving appropriate channel loading.

III. CONCLUSION

Coordination of paging applications during the Interim Period is required and necessary in order for the Commission to quickly

and efficiently issue authorizations. The paging industry does not support any delay in application processing which the Coalition's Request would require. PCIA has proposed to the Commission an efficient and effective means by which applicants will no longer be required or encouraged to file applications requesting a single transmitter site per application, PCIA urges that the Commission quickly solve the only problem which exists with the interim rules in an expeditiously manner and continue processing interim applications.