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FEDERAL COMMUNICATIONS COMMISSION
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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	)	WT Docket No. 96-18
	)	
Implementation of Section 309(j) of the Communications Act - Competitive Bidding	)	PP Docket No. 93-253

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To: The Commission

REPLY 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 files Reply Comments in response to the Comments filed in the above-captioned proceeding.

The Comments filed to date on this issue highlight two critical facts. First, that the support claimed by the Coalition for a Competitive Paging Industry ("Coalition") Request is effectively non-existent, if it ever existed; Second, that while some select issues regarding frequency coordination should be clarified as the Commission establishes permanent market area licensing rules for certain paging frequencies, there are no fundamental issues requiring review of the role of frequency coordination or the amount of fees charged by PCIA at this time. When all is said and done, the Comments confirm that the Coalition Request was without substantive or procedural merit, and it is

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regrettable that, with so many other weighty issues in play, the Commission staff has been forced to devote time and attention to this matter. The fact that only seven comments were filed addressing the Coalition request, including those of PCIA, evinces the low level of industry interest in this issue.

I. SUPPORT FOR THE COALITION REQUEST IS NON-EXISTENT

The Commission received merely three (3) Comments in support of the Coalition Request.[1] The Coalition has claimed in Commission documents that it has more than one hundred members. Yet, despite the Commission's grant of the Coalition's Motion for Extension of Time, the Coalition could muster only two sets of supporting Comments. Two other sets of Comments, filed by AirTouch Paging ("AirTouch") and Arch Communications Group, Inc. ("Arch"), focus on the need to coordinate nationwide paging channels, an important issue as the Commission considers permanent market area rules, but beyond the scope of the Coalition Request. Glenayre filed Comments requesting that the Commission maintain the status quo.

PCIA's initial Comments directly addressed the issues raised by (800)USA-Beep and Pronet. Therefore, PCIA is providing each entity with a copy of PCIA's initial Comments together with these Reply Comments in order for each company to more completely

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[1] See, Comments of (800)USA-Beep, Best*Comm and Pronet, Inc. ("Pronet"). Pronet, not presently a PCIA member, has not to PCIA's knowledge ever been identified with the Coalition.

understand and appreciate the frequency coordination process and the need for continued review of applications.[2]

II. NATIONWIDE COMMENTERS SUPPORT THE ROLE OF FREQUENCY COORDINATION AND RAISE ISSUES THAT MAY BE CONSIDERED IN ANOTHER FORUM

The Comments of Arch and AirTouch raise important issues regarding nationwide applications that are more appropriately addressed in another forum.[3] Significantly, both Arch and AirTouch recognize the important services that frequency coordinators provide.[4] However, both companies believe that with regard to nationwide applications there has been a "reduction in the necessary role PCIA must play [vis-a-vis the Commission], which provides a basis for some, if not total, fee relief."[5]

While at first blush it would appear that there is no need for frequency coordination for nationwide applications during the interim period, a closer review reveals that virtually all of the

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[2]One statement by (800)USA-Beep requires specific mention. On page 1 of its Comments, (800)USA-Beep states that "PCIA now requires one coordination fee of $225 per site rather than one coordination fee per application." As discussed in PCIA's initial Comments, this statement is incorrect. PCIA has not changed its policy which requires a coordination fee of $225 per application, regardless of the number of sites on the application.

[3]It is interesting to note that all but one of the paging companies submitting Comments are nationwide licensees. As such, they spend the greatest amount of money on licenses and it is therefore understandable that they have some concern regarding licensing and coordination fees.

[4]AirTouch Comments at 4; Arch Comments at 3.

[5]Arch Comments at 3 (brackets supplied).

issues which must be addressed for non-nationwide applications apply equally to nationwide applications. For example, although nationwide licensees need not be concerned with the "40 Mile Rule", there are still many non-nationwide incumbent licensees on frequencies which are licensed to entities who qualified for nationwide exclusivity. As a result, each additional nationwide application must still be reviewed during the Interim Licensing Period to determine whether there is an interference potential to non-nationwide incumbent systems.

Further, it must be recalled that the coordination fee being charged does not merely recover the costs of working on that particular application. Rather, the fee recovers the cost for other coordination-related activities required by the Commission to be performed by the coordinator.[6]

III. DURING THE INTERIM LICENSING PERIOD PCIA'S FREQUENCY COORDINATION FUNCTION HAS PROVIDED VALUABLE INDUSTRY SERVICES

PCIA's coordination services provide a valuable review and screening function for the industry. During PCIA's meeting of June 7, 1996, with the Wireless Bureau and the Coalition, the Commission staff asked about the quality of applications which were being filed with PCIA during the Interim Licensing Period, specifically with regard to the number of corrections/modifications which were required. The Commission also asked PCIA to keep the Commission

[6]PCIA's initial Comments provide an exhaustive list of such activities.

informed regarding this issue throughout the Interim Licensing Period. Many of PCIA's views are expressed in PCIA's initial Comments. However, now that the July 31, 1996, deadline has passed, PCIA can supply the Commission with the following additional information:

As of July 31, 1996, the number of modifications made by PCIA to applications during the Interim Licensing Period was consistent with the application modification rate before the imposition of the freeze.[7] Further, PCIA encountered numerous instances where applicants miscalculated the 40 mile distance for new stations. PCIA also encountered other coordination difficulties. For example, PCIA returned one application where an applicant certified construction of an incumbent station which had in fact been deleted from the Commission's data base months ago.

Experience has shown the wisdom of the Commission's decision to continue to require frequency coordination for all of these applications. Because PCIA is reviewing interim applications, the Commission will be able to more rapidly process those that were certified by PCIA. Further, the Commission will not need to review applications to confirm whether they comply with the "40 Mile Rule" and will not need to determine whether applications pose an interference threat to non-affiliated licensees. Further, because

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[7]PCIA will supply the Commission with more complete information when statistics are analyzed and coordinator experience is recounted.

PCIA has agreed to review "MX" applications filed pursuant to any future Public Notices, the Commission will not need to review such applications to determine whether the MX application provide sufficient co-channel clearance to other co-channel systems.

PCIA's coordination and certification services provide other benefits. For example, for many years PCIA has enabled applicants to operate facilities pursuant to conditional authority immediately upon notice of coordination.[8] Without frequency coordination, this process would not have been possible. In fact, the very existence of the conditional licensing process may enable hundreds of transmitters to continue operation pursuant to a blanket STA request submitted by PCIA to the Commission last week on behalf of all Part 90 carriers.

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[8]While PCIA has advocated extending that process to all CMRS licenses, no final Commission decision has been made on that proposal.

WHEREFORE, PCIA respectfully renews its request that the Commission DISMISS the Emergency Request For Waiver Or, Alternatively, Request To Initiate Commission Oversight Of PCIA Coordination Fees.

Respectfully Submitted,

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Date: August 5, 1996

CERTIFICATE OF SERVICE

I, Vicky Lynch, a secretary in the law office of Meyer, Faller, Weisman and Rosenberg, P.C. hereby certify that I have on this 5th day of August, 1996 sent via first class mail, postage prepaid, a copy of the foregoing Reply Comments to the following:

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