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

JAN 23 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Guidelines for Evaluating the Environmental)
Effects of Radiofrequency Radiation)

ET Docket No. 93-62

PETITION FOR PARTIAL RECONSIDERATION

Ameritech Mobile Communications, Inc. (Ameritech), pursuant to Rule Section 1.429, hereby requests partial reconsideration of the Commission's First Memorandum Opinion and Order in ET Docket No. 93-62, Mimeo No. FCC 96-487, (December 24, 1996). Ameritech, through its subsidiaries and affiliates, is licensed to provide cellular, paging and Personal Communications Service (PCS). Ameritech applauds the Commission's decision to extend the deadline for compliance with the new radiofrequency (RF) radiation rules. However, Ameritech requests that the Commission revise the September 1, 1997 deadline, so that it is tied to the release of the revised OET Bulletin No. 65.

In its September 6, 1996 Petition for Reconsideration and Clarification, Ameritech requested inter alia that the Commission extend the compliance deadline (originally scheduled for January 1, 1997) to fall due one year after the release of the updated OET Bulletin No. 65. This measure was necessary because the Commission's new RF radiation rules contain a number of ambiguities and complex issues, and the industry will need the guidance to be provided by the updated Bulletin No. 65 in order to accurately evaluate their compliance with the new rules. Several other industry members made this same request. See First

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Memorandum Opinion and Order, *supra* at ¶ 5. A number of the issues and ambiguities are described in Ameritech's September 6, 1996 Petition.

The Commission recognized the difficulties in achieving compliance by January 1, 1997, and its First Memorandum Opinion and Order has granted an eight month extension of this deadline. Ameritech greatly appreciates the Commission's efforts to be responsive to the concerns of the industry. However, given the complex nature of the many issues raised on reconsideration of the Commission's July 31, 1996 Report and Order in this proceeding, it may be several months before the revised OET Bulletin No. 65 will be issued (and the outstanding issues otherwise resolved). Therefore, despite the Commission's well intended extension, the industry may nonetheless have inadequate time to comply with the new RF radiation rules. Ameritech alone will have to evaluate the compliance of hundreds of transmitters. While Ameritech expects that the compliance of many of these base stations can be quickly evaluated, several hundred operations are located at rooftop sites which are likely to require more complex calculations and/or measurements. Ameritech has cellular, paging and PCS transmitters located on large downtown buildings in virtually all of the significant markets within its service region. Many of these buildings have a substantial number of antennas on the rooftop, making it difficult to determine compliance. Indeed, because the Commission's rules are ambiguous as to the responsibilities of individual licensees in a multiple transmitter situation, it may

take a long time to obtain accurate information on all of the radio operations on a given rooftop, in order to evaluate the relevant RF levels.

The Commission's First Memorandum Opinion and Order concurs with the need for a longer transition period, but states that "we believe that it would be unnecessary, in most circumstances, to extend the transition period for a full year or more after a revised Bulletin No. 65 is issued." Id. at ¶ 8. The Commission does not elaborate on this conclusion, so Ameritech is not in a position to evaluate the Commission's bases for establishing the extended deadline as a date certain. It is hoped that the release of revised Bulletin No. 65 is imminent, and that the revised Bulletin will answer the many complex issues raised on reconsideration. If this is the case, the September 1, 1997 extension may prove adequate for most licensees to evaluate compliance. However, for the numerous licensees that are authorized to operate hundreds or even thousands of base stations, this eight month extension is likely to prove inadequate, especially given the lack of guidance provided on certain key issues by the July 31, 1996 Report and Order. Therefore, it is respectfully submitted that an extension based on the resolution of these issues (presumably in revised Bulletin No. 65) would be a more prudent course of action.

In the alternative, Ameritech requests that the Commission announce its intention to take a flexible approach in further extending the September 1, 1997 deadline, or in granting requests for waiver of this deadline. In particular, the Commission should clarify that the need for a single licensee to evaluate numerous

transmitters will justify a waiver. Likewise, delays in obtaining information about other radio operations at a given antenna site should justify a waiver, if these delays are beyond the control of the entity performing the environmental compliance review. A flexible approach by the FCC would help to give licensees assurance that they will be given a fair opportunity to meet the Commission's new requirements.

Conclusion

In light of the foregoing, Ameritech requests that the Commission reconsider its First Memorandum Opinion and Order as specified above.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Utokia Davis, do hereby certify that I have, on this 23rd day of January, 1997, caused to be served by first class U.S. mail, postage prepaid, a copy of the foregoing Petition for Partial Reconsideration to the following:

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