



BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C.

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Amendment of Part 90 of the	)	PR Docket No. 89-552
Commission's Rules to Provide	)	RM-8506
for the Use of the 220-222 MHz Band	)	
by the Private Land Mobile	)	
Radio Service	)	
Implementation of Sections 3(n) and 332	)	GN Docket No. 93-252
of the Communications Act	)	
Regulatory Treatment of Mobile Services	)	
Implementation of Section 309(j) of the	)	PP Docket No. 93-253
Communications Act--Competitive	)	
Bidding	)	

To: The Commission

**COMMENTS OF US MOBILCOMM, INC.**

US MobilComm, Inc. ("USMC"), by its attorneys and pursuant to Section 1.429 of the Commission's Rules, hereby comments on the "Petition for Reconsideration" ("Petition") filed by the American Mobile Telecommunications Association, Inc. ("AMTA") on May 5, 1997. AMTA seeks reconsideration of the Commission's Third Report and Order. As demonstrated below, USMC fully supports AMTA's Petition and urges the Commission to adopt it.

### **Background**

USMC and its affiliated companies began operations in early 1993 with a goal of building and operating major market wireless voice and data networks of commercial trunked five-channel 220 MHz systems (the "Network"). The Network consists of individually owned, licensed, and controlled systems whose licensees have come together under USMC's common management umbrella.

To date, 220 MHz systems owned and/or managed by USMC have been constructed and are being managed by USMC in approximately a dozen metropolitan areas. USMC believes that it manages more systems in the major markets on the East Coast than any other 220 MHz management company.

### **Discussion**

In its Petition, AMTA addresses two areas of concern. First, AMTA explains that the rules adopted do not provide adequate co-channel protection to Phase I non-nationwide licensees. Second, AMTA makes clear the need for the FCC to adopt contour-defined geographic licensing and to provide for minor modification rules for Phase I non-nationwide licensees.

USMC fully supports AMTA's Petition with respect to increasing co-channel protection for Phase I non-nationwide licensees for all of the reasons set forth in the Petition. With respect to the need for continuing modification ability, USMC fully supports AMTA's Petition and would like to point out that in USMC's Reply Comments filed on September 27, 1995, USMC

stated the following:

. . . [L]icensees will need guidelines which will permit them to modify their licenses after the initial window has closed. AMTA has proposed that once the applications have been taken for the one-time modification filing window that further modification be permitted as long as it does not increase the service contour in any direction. USMC supports this proposal and emphasizes its importance.

*Id.* at 5.<sup>1/</sup>

Notwithstanding the reply comments filed by USMC as well as comments and reply comments filed by others, when the Commission adopted the Second Report and Order, it did not address the need for relocation modifications on an ongoing basis . Nevertheless, informal discussions with the Commission's staff left USMC and others with the impression that the issue was deferred until the Third Report and Order, because the Second Report and Order was designed to deal only with the narrow issue of the one time modification filing window.

The record fully supports the need for an ongoing relocation modification procedure. There are numerous reasons why licensees must change sites from time to time, including, site destruction, refusal of a site lessor to extend the lease,<sup>2/</sup> introduction of incurable interference at the site, and unreasonable rent increases. Therefore, it was error for the Commission to ignore the issue, and the Commission must adopt procedures for ongoing modifications.

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<sup>1/</sup> USMC also proposed that the Commission permit the use of directional antennas so that relocation modifications can be engineered without a drastic drop in power. *Id.*

<sup>2/</sup> The introduction of new technologies such as PCS and digital television often places high demands on tower capacity, resulting in tower owners refusing to renew the lease for existing tenants such as 220 MHz SMR operators.

**Conclusion**

For the reasons set forth herein, US MobilComm, Inc. urges the Commission to grant the Petition For Reconsideration filed by AMTA.

Respectfully submitted,

US MOBILCOMM, INC.

By:   
Eliot J. Greenwald

Its Attorney

Fisher Wayland Cooper Leader  
& Zaragoza L.L.P.  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006-1851  
(202) 659-3494

June 4, 1997

**CERTIFICATE OF SERVICE**

I, Penny Jackson, do hereby certify that I have this 4th day of June, 1997, mailed by first-class United States mail, postage prepaid, copies of the foregoing "**COMMENTS OF US MOBILCOMM, INC.**" to the following:

William J. Franklin  
William J. Franklin, Chartered  
1200 G Street, N.W., Suite 800  
Washington, DC 20005

Thomas J. Keller  
Verner Liipfert Bernhard McPherson &  
Hand, Chartered  
901 15th Street, N.W., Suite 700  
Washington, DC 20005

Alan S. Tilles  
Meyer Faller Weisman & Rosenberg, P.C.  
4400 Jenifer Street, N.W., Suite 380  
Washington, DC 20015

Mark J. Golden  
Personal Communications Industry Association  
500 Montgomery Street, Suite 700  
Alexandria, VA 22314

Robert B. Kelly  
Kelly & Povich, P.C.  
1101 30th Street, N.W., Suite 300  
Washington, DC 20007

Russell H. Fox  
Gardner Carton & Douglas  
1301 K Street, N.W., East Tower  
Suite 900  
Washington, DC 20005

David J. Kaufman  
Brown Nietert & Kaufman, Chartered  
1920 N Street, N.W., Suite 660  
Washington, DC 20036

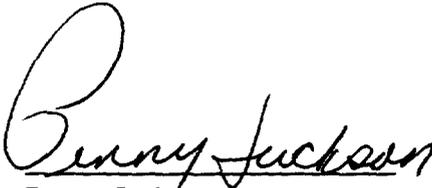
Laura C. Mow  
Gardner Carton & Douglas  
1301 K Street, N.W., East Tower, Suite 900  
Washington, DC 20005

Henry M. Rivera  
Ginsburg Feldman & Bress, Chartered  
1250 Connecticut Avenue, N.W.  
Washington, DC 20036

Alan R. Shark  
American Mobile Telecommunications Association  
1150 18th Street, N.W., Suite 250  
Washington, DC 20036

Elizabeth R. Sachs  
Lukas McGowan Nace & Gutierrez, Chartered  
1111 19th Street, N.W., Suite 1200  
Washington, DC 20036

Kingdon R. Hughes  
Rush Network Corp.  
The Forum at Central  
2201 N. Central Parkway  
Richardson, TX 75080

  
Penny Jackson

**\*Hand Delivery**