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Federal Communications Commission
Office of Secretary

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

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

REPLY

The Personal Communications Industry Association ("PCIA"), through counsel and pursuant to Section 1.429(g) of the Commission's Rules, 47 C.F.R. §1.429(g), hereby respectfully submits its Reply to the various filings filed in response to the Petitions for Reconsideration in the above-captioned proceeding.

A. **Protection Of Incumbent Licensees**

It is clear from the Petitions and Comments filed by virtually every party in this proceeding that the Commission's protection of incumbent licensees is inadequate and unsupportable when contrasted with the protections afforded incumbent land mobile licensees in other proceedings. PCIA requests that the Commission seriously consider the opinion of the entire land mobile industry and not

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sacrifice the investments of time and money of 220 MHz pioneers in order to recoup additional funds in an auction.

B. **Modification of Maximum Allowable ERP**

PCIA supports the Commission's decision to permit 220 MHz licensees to operate paging systems on a primary basis.[1] The ability to aggregate contiguous channels[2] and modify the emissions mask when contiguous channels are utilized[3] will also permit licensees to use the most efficient technology dictated by the marketplace.

However, PCIA generally agrees with the views expressed in the Petitions for Reconsideration of ComTech, Inc. and Glenayre Technologies, and their requests that the Commission review its rules for maximum ERP for nationwide systems. PCIA believes that changes can be made which will protect incumbent adjacent channel licensees, but also provide nationwide licensees with the flexibility to offer a wide range of services.

In this proceeding, the Commission has attempted to delicately balance the interests of the original 220 MHz manufacturers and their years of research and development of narrowband technology equipment with the desire to ensure that licensees have the greatest flexibility possible to provide services requested by their customers, and to encourage additional equipment competition

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[1] Third Report and Order at para. 95.

[2] Id. at para. 101.

[3] Id. at para. 122.

into the band. In creating a compromise in the form of an efficiency standard, the Commission has achieved an appropriate balance between these interests. However, the Commission must ensure that the standard is obtainable within the time frame of existing licensee's construction periods.

It is this last point where PCIA disagrees with SEA in its Comments. SEA believes that this proceeding is different than the "refarming" proceeding in that existing 220 MHz licensees allegedly meet the 220 MHz efficiency standard.[4] Actually, the incumbent nationwide licensees have not yet had their construction periods lapse, and PCIA agrees with Glenayre that such licensees should not be required to install equipment temporarily until more advanced paging equipment becomes available. Further, local incumbents, should they find that their loading expectations are not proceeding as well as planned, should not be foreclosed from installing different equipment now, without having to wait for more efficient paging equipment to be brought to market.

In PCIA's view, the bottom line on this issue is, if the Commission truly wishes to make the 220 MHz band available for paging service, it should do so. However, an efficiency standard that cannot be met today, and will not be able to be met for several years, only means that paging will not be an available option for 220 MHz licensees. Therefore, the Commission must

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[4]SEA Comments at 8.

change the standard to meet today's equipment availability,[5] eliminate the standard, or adopt a sliding standard.

C. Maximum Allowable ERP

PCIA supports the suggestions of Glenayre and ComTech that the Commission revisit the ERP standards for nationwide licensees. PCIA believes that the Commission's first priority must be to protect adjacent channel operations from interference, but once such protection has been achieved, there is no rational basis for limiting ERP on any of the nationwide frequency pairs.

PCIA does not have available to it the technical documentation to detail the appropriate ERP in each case, however PCIA looks forward to any information developed by Glenayre or any of the other 220 MHz manufacturers which can document the appropriate restrictions.

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[5]It should be noted that Intek Diversified Corp. claims in its Comments that it currently has available 220 MHz equipment capable of provided 14.4 kilobits per second data throughput. However, it is PCIA's understanding that the equipment is not a portable pager, and a portable pager could not meet the efficiency standard for several years.

III. CONCLUSION

WHEREFORE, the premises considered, it is respectfully requested that the Commission RECONSIDER it rules and regulations as adopted in the Third Report and Order consistent with the views expressed herein.

Respectfully submitted,

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Date: June 17, 1997

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