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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of	)	
	)	
Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band	)	PR Docket No. 93-144 RM-8117, RM-8030 RM-8029
	)	
Implementation of Section 3(n) and 322 of the Communications Act Regulatory Treatment of Mobile Services	)	GN Docket No. 93-252
	)	
Implementation of Section 309(j) of the Communications Act - Competitive Bidding 800 MHz SMR	)	PP Docket No. 93-253

To: The Commission

COMMENTS

The Personal Communications Industry Association ("PCIA")[1], through its counsel and pursuant to Section 1.106(g) of the Commission's Rules, 47 C.F.R. §1.106(g), hereby respectfully its Comments in response to the Petitions for Reconsideration of the Federal Communications

[1]PCIA is the only international trade association representing the interests of both commercial mobile radio service ("CMRS") and private mobile radio service ("PMRS") users and businesses involved in all facets of the personal communications industry. PCIA's Federation of Councils include: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Mobile Wireless Communications Alliance, the Site Owners and Managers Association, the Association of Communications Technicians, and the Private System Users Alliance. In addition, PCIA is the FCC-appointed frequency coordinator for the Business Radio Service, the 800 and 900 MHz Business Pools, 800 MHz General Category frequencies for Business eligibles and conventional SMR systems, and for the 929 MHz paging frequencies.

Commission's ("FCC") Second Report and Order ("Second Report and Order") in the above-captioned proceeding.[2]

PCIA has reviewed the various Petitions for Reconsideration in this proceeding, and believes that the Petitions can be classified into two groups: (1) those Petitions that request reconsideration of the entire procedure for licensing spectrum in the band;[3] and (2) those Petitions that request reconsideration of specific adopted rules in order to make the adopted procedures more equitable and workable.[4]

Generally, all of these Petitions espouse the same dissatisfaction with the Commission's rule changes. However, one group would like the Commission to change its decision to hold auctions, while the other group disagrees with auctions for this band, but feels the need to have the unending "freeze" lifted.

As discussed in PCIA's Petition for Reconsideration, PCIA believes in the philosophy of the second group. PCIA believes that virtually every point made by SBT and others is correct. In fact, they are primarily points made by PCIA years ago. However, PCIA believes that the 800 MHz industry can no longer afford to "win" this battle, and further delay the progress and growth of licensees in this band. Therefore, PCIA supports the incremental changes which it has proposed, as well as the changes proposed by AMTA and others.

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[2]62 FR 49986 (September 24, 1997).

[3]See, the Petitions for Reconsideration filed by Small Business in Telecommunications ("SBT"), the Industrial Telecommunications Association ("ITA") and the Automobile Club of Southern California.

[4]See, the Petitions for Reconsideration filed by PCIA, the American Mobile Telecommunications Association ("AMTA"), Genesee Business Radio Systems, Inc. and Entergy Services, Inc.

PCIA wishes to reiterate that it's support of the changes which the Petitioners have proposed should not be taken to mean that PCIA supports the Commission's decision to auction 800 MHz spectrum. Rather, PCIA's position is based upon the evaluation of PCIA's members as to what position will best allow them to grow and compete.[5]

[5]AMTA also requests that it be designated a "clearinghouse" for determination of contribution payments between EA licensees. PCIA has previously offered to provide such service, as it is currently performing this task in the PCS bands, and PCIA reiterates its offer to act as an SMR clearinghouse should the Commission reconsider its decision.

III. CONCLUSION

For the foregoing reasons, PCIA urges the Commission to modify its proposed rules for 800 MHz licensing consistent with the views expressed herein.

Respectfully submitted,

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Date: October 9, 1997

CERTIFICATE OF SERVICE

I, Ruth A. Buchanan, a secretary in the law office of Meyer, Faller, Weisman and Rosenberg, P.C. hereby certify that I have on this 9th day of October, 1997 sent via first class mail, postage prepaid, a copy of the foregoing Comments to the following:

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