the first base station. In TELECELLULAR's system, sectorized sites will use a maximum of twelve SMR channels, four channels broadcasting to three sectors of the base station's radius. Through use of sectorization, new frequency blocks will be added to ten of the existing base stations.

In the third year, as subscribers increase, the number of base stations needed to service the projected amount of subscribers will increase to 45. The four additional base stations will be constructed in the Ponce region. The increase in subscribers projected in the other regions will be serviced through continued sectorization of existing base stations in combination with a frequency reuse plan.

In the fourth year, capacity demands will require eight new base stations, for a total of 53. One base station will be added in the San Juan region, five base stations will be added to the Ponce region and two base stations will be added to the Mayaguez region. At the end of the fourth year, all base stations in TELECELLULAR's system will be sectorized.

Finally, in the fifth year, the system will require 73 base stations, an increase of 20 base stations. Ten base stations will be added in the San Juan region and five base stations will be added in both the Ponce and Mayaguez regions. A map of the proposed locations of the base stations at the end of year five is attached as Exhibit 3.

At the end of the fifth year, it is projected that the system's 73 base stations will serve approximately 100,000

subscribers, a market penetration rate of less than 3% of Puerto Rico's population. TELECELLULAR estimates that system construction will cost approximately $50 million.

TELECELLULAR has made a conservative estimate of possible market penetration, and based on that estimate, believes that the 170 SMR channels currently licensed to the Participating Licensees should provide sufficient capacity for its system. However, if the number of users exceeds its estimates, TELECELLULAR may seek more Participating Licensees in the form of SMR operators or licensees to participate. If this situation occurs, a showing will be made as to why these new licensees should be included in TELECELLULAR's extended implementation period.

TELECELLULAR, and specifically the Participating Licensees, understand that they must make yearly certifications to the Commission that the construction benchmarks proposed in this request for extended implementation have been met. Should TELECELLULAR fail to make this certification, the Commission may terminate the authority for an extended implementation period and require the individual licensees to build their systems within six months or forfeit their licenses.

D. The Participating Licensees' SMR authorizations are part of a complex wide area SMR system that will take longer than one year to plan, approve, fund, purchase, construct and place in operation.

The Participating Licensees' Request for Extended Implementation meets the final requirement outlined in Rule 90.629(a): The licenses are part of a wide area system that requires complex engineering and will take more than a year to plan, approve, fund, construct and place in operation. As described above, TELECELLULAR's completed system will include 73 base stations. Simply finalizing the system design given this number of base stations will make compliance with a one year build out requirement nearly impossible. In addition to system design, further details must be finalized with respect to equipment purchasing, site leasing and constructing the base stations. To make this system economically feasible, TELECELLULAR must have the flexibility to construct the Participating Licensees' SMR channels over a period of time.

TELECELLULAR's proposed system is similar to that of a cellular licensee. TELECELLULAR will construct multiple sites throughout its market and will reuse its licensed frequencies to increase capacity. In the cellular context, the Commission has granted those licensees five years to build out their markets once initial build out requirements have been met.[5] Here, TELECELLULAR proposes a system similar in scale to a cellular system and seeks a similar period of time in which to construct.

---

[5] See 47 C.F.R. § 22.2 (definition of "Fill-in period").

The Commission has long been justifiably concerned with the problem of warehousing spectrum. However, TELECELLULAR's proposal should not raise those concerns. TELECELLULAR has proposed an aggressive first year build out plan to service a projected 11,500 first year subscribers. If the first year construction benchmark is not met, the Commission may terminate the extended implementation authority. Also, given the Commission's former loading requirement of 70 mobiles per channel in conjunction with the 170 channels subject to this request, TELECELLULAR's system would have been required to show loading of 11,900 at the end of five years. TELECELLULAR expects to almost meet this loading figure in the first year of service, further alleviating any concern the Commission may have regarding warehousing of spectrum.

Grant of TELECELLULAR'S Request for Extended Implementation is consistent with the requirements of Section 90.629(a). It is also consistent with previous grants of waivers of the construction period requested by Dial Page, Inc.[6] and Atlantic Cellular Company, L.P.[7] In those cases, the Commission granted extended implementation to groups of licensees who did not currently have loaded, analog SMR systems in operation. Instead, the applicants were proposing the construction of digital, wide area SMR systems without an existing analog infrastructure, just as TELECELLULAR

---

[6] See Letter from Terry L. Fishel, Chief, Land Mobile Branch, to Counsel for Dial Page, Inc. (March 17, 1993) (granting the request for waiver of Rules 90.631(e) and (f)).

[7] See Letter from Terry L. Fishel, Chief, Land Mobile Branch, to Counsel for Atlantic Cellular Company, L.P. (September 27, 1993) (granting the request for waiver of Rules 90.631(e) and (f)).

proposes. Because TELECELLULAR's proposed system meets the requirements of Rule 90.629 and parallels systems proposed by other applicants who successfully secured extended implementation, the instant Request for Extended Implementation should be granted.

IV. REQUEST TO TOLL ONE YEAR CONSTRUCTION REQUIREMENT PENDING CONSIDERATION OF THIS REQUEST FOR EXTENDED IMPLEMENTATION.

Many of the Participating Licensees' authorizations were granted on or around September 27, 1993. It appears that the Commission will require up to six months or more to consider this Request for Extended Implementation. However, most of the Participating Licensees have less than five months in which to construct their facilities under Section 90.631(e) and (f). Accordingly, the Participating Licensees request that the Commission toll the one year build out period pending this Request for Extended Implementation so that they may still have the opportunity to construct their licenses should the Commission deny this Request for Extended Implementation.

The Participating Licensees are fully committed to constructing analog transmitters, if necessary, to protect their authorizations. If the Commission does not grant a tolling of the construction deadline, they will begin construction of their licenses. Such construction will result in the Participating Licensees losing a large benefit associated with an extended implementation schedule: the ability to forego construction of an analog system in favor of building a digital system from the outset. By tolling the time period, the Commission will allow the Participating Licensees to proceed directly to building out a

digital system instead of wasting their resources on an analog system that will soon be replaced by digital equipment.

Accordingly, the Participating Licensees request a tolling of the one year construction period applicable to their licenses. Furthermore, the Participating Licensees request expedited consideration of the tolling request so that they will preserve the largest amount of time possible for building their licenses should the Commission refuse to toll the construction period.

V. CONCLUSION.

Based on the foregoing, the TELECELLULAR joint venture satisfies the requirements outlined in Rule 90.629 for an extended implementation schedule based on its proposed construction of a wide area SMR system in Puerto Rico. Grant of the Participating Licensees' request will also serve the public interest by providing communications services and jobs to the people of Puerto Rico, and is consistent with Commission precedent regarding similar waiver requests.

Furthermore, the Participating Licensees request tolling of the one year construction requirement pending the Commission's consideration of their request for extended implementation. Such tolling will likely only increase the construction period by six months, and would have no effect on the extended implementation schedule, if approved by the Commission.

Finally, the Participating Licensees request that the Commission take expedited action on their request for tolling. By doing so, the Commission will ensure that the Participating Licensees have the opportunity to meet their one year construction period should the request for tolling not be granted.

Respectfully submitted,

THE PARTICIPATING LICENSEES OF TELECELLULAR

By: _____
Richard S. Myers
Sean P. Beatty
Their Attorneys

Law Offices of Richard S. Myers
1030 15th Street, N.W., Suite 908
Washington, D.C. 20005
(202) 371-0789

May 24, 1994

EXHIBIT 1

LIST OF FREQUENCIES SUBJECT TO REQUEST FOR EXTENDED IMPLEMENTATION

Licensee	Call Sign	Frequencies
Caribbean Spectrum, Inc.	WPDF775	861.78750
		862.78750
		863.78750
		864.78750
		865.78750
	WPDF777	861.53750
		862.53750
		863.53750
		864.53750
		865.53750
	WPDF776	861.28750
		862.28750
		863.28750
		864.28750
		865.28750
SMR Spectrum P.R., Inc.	WPDF784	861.28750
		862.28750
		863.28750
		864.28750
		865.28750
	WPDF786	856.13750
		857.13750
		858.13750
		859.13750
		860.13750
	WPDF785	856.06250
		857.06250
		858.06250
		859.06250
		860.06250
Island Spectrum, Inc.	WPDF787	856.16250
		857.16250
		858.16250
		859.16250
		860.16250
	WPDF789	856.51250
		857.51250
		858.51250
		859.51250
		860.51250

Licensee	Call Sign	Frequencies
Island Spectrum, Inc. (cont'd.)	WPDF788	856.18750 857.18750 858.18750 859.18750 860.18750
Island Digital Communications, Inc.	WPDF792	856.58750 857.58750 858.58750 859.58750 860.58750
	WPDF790	856.53750 857.53750 858.53750 859.53750 860.53750
	WPDF791	856.56250 857.56250 858.56250 859.56250 860.56250
Island Communications, Inc.	WPDF794	856.63750 857.63750 858.63750 859.63750 860.63750
	WPDF795	856.66250 857.66250 858.66250 859.66250 860.66250
	WPDF793	856.61250 857.61250 858.61250 859.61250 860.61250
SMR Digital P.R., Inc.	WPDF798	856.51250 857.51250 858.51250 859.51250 860.51250

Licensee	Call Sign	Frequencies
SMR Digital P.R., Inc. (cont'd.)	WPDF797	856.16250
		857.16250
		858.16250
		859.16250
		860.16250
	WPDF796	856.68750
		857.68750
		858.68750
		859.68750
		860.68750
Island SMR, Inc.	WPDF801	856.13750
		857.13750
		858.13750
		859.13750
		860.13750
	WPDF799	856.58750
		857.58750
		858.58750
		859.58750
		860.58750
	WPDF351	857.03750
		858.03750
		859.03750
		860.03750
		864.63750
Caribbean SMR, Inc.	WPDF783	861.03750
		862.03750
		863.03750
		864.03750
		865.03750
	WPDF782	861.31250
		862.31250
		863.31250
		864.31250
		865.31250
	WPDF781	861.51250
		862.51250
		863.51250
		864.51250
		865.51250

Licensee	Call Sign	Frequencies
Caribbean Communications, Inc.	WPDF772	861.31250
		862.31250
		863.31250
		864.31250
		865.31250
	WPDF774	861.06250
		862.06250
		863.06250
		864.06250
		865.06250
	WPDF773	861.56250
		862.56250
		863.56250
		864.56250
		865.56250
Caribbean Digital Communications, Inc.	WPDF779	861.26250
		862.26250
		863.26250
		864.26250
		865.26250
	WPDF778	861.03750
		862.03750
		863.03750
		864.03750
		865.03750
	WPDF780	861.76250
		862.76250
		863.76250
		864.76250
		865.76250
Arecibo SMR, Inc.	WPDQ881	861.08750
		862.08750
		863.08750
		864.08750
		865.08750
	WPDQ882	856.63750
		857.63750
		858.63750
		859.63750
		860.63750

Licensee	Call Sign	Frequencies
Ponce SMR, Inc.	WPDQ884	861.36250 862.36250 863.36250 864.36250 865.36250
San Juan Caguas SMR, Inc.	WPDQ883	861.13750 862.13750 863.13750 864.13750 865.13750

EXHIBIT 2

TSI
Limited Liability Company

ENGINEERING STATEMENT
FOR
TELECELLULAR'S DIGITAL WIDE AREA SMR SYSTEM
IN
PUERTO RICO

TELECELLULAR proposes to construct a digital wide area SMR system on the island of Puerto Rico. The use of digital technology will allow TELECELLULAR to offer basic SMR services, as well as enhanced services such as interconnect transmission and messaging. Digital equipment will allow a single radio frequency to support up to six voice conversations with the same bandwidth needed for one analog voice conversation and will provide improved speech quality as well.

TELECELLULAR's proposed system will use Motorola's MIRS (Motorola Integrated Radio System) equipment. There are typically two types of subscriber equipment used for dispatch and interconnect service. Mobile subscribers will have units installed in vehicles with antennas mounted either on the roof of the vehicle or on a windshield of the vehicle. Portable units are carried on the person and can be operated o on the street, within vehicles or within buildings. Listed below are the levels of service TELECELLULAR will provide according to the location and type of subscriber equipment used:

- In-Building Portable Coverage (-70 dBm)
  The minimum signal strength that must be provided by the system so that portable transceiver operation can be achieved inside buildings.

- In-Car Portable Coverage (-80 dBm)
  The minimum signal strength that must be provided by the system so that portable operation inside a vehicle can be achieved.

- Outside Portable (-90 dBm)
  The minimum signal strength that must be provided by the system so that portable operation outside can be achieved

- Mobile Coverage (-95 dBm)
  The minimum signal strength required for satisfactory mobile and on-street coverage.

Because mobile subscribers have higher PA output, they will be able to generate higher RF power levels. Accordingly, sites associated primarily with mobile subscribers may cover large areas; therefore, fewer sites are needed in areas with predominantly mobile subscribers.

A subsidiary of LCC, L.L.C.
2111 Wilson Boulevard Suite 401 Arlington, Virginia 22201
703.358.0052 FAX: 703.358.0062

Most portable subscribers use their units in areas of high business, residential and traffic densities. Although the portable units would provide high quality reception at the same signal level as the mobile units, portable transmitter power is lower and therefore the talk-back range is less. Additionally, portable units used within vehicles and within buildings have additional propagation attenuation associated with obstructions when compared to on-street portable units and to mobile units. Therefore, the expected two-way coverage area for portable units and how they are expected to be used is less than for mobile units. More base station sites are required to provide coverage in regions with this type of usage.

Given these factors, TELECELLULAR's system will provide portable in building coverage (-70 dBm) in the core of Puerto Rico's cities and major airports. In-car and outside portable coverage (-80, -90 dBm) will be provided in the metropolitan areas of San Juan, Ponce, Mayaguez, Caguas, Arecibo, Aguadilla and Route 2 from Arecibo to San Antonio. Mobile coverage (-95 dBm) will be provided along the highways connecting the above mentioned metropolitan cities. All sites constructed for TELECELLULAR's system to meet these criterion will be engineered to meet the co-channel licensee protection requirements provided in the Commission's rules.

For ease of reference, system design will be discussed by dividing Puerto Rico into three regions: San Juan, Ponce and Mayaguez. To determine the number of sites required in each region, the following subscriber rates were projected for each region in years one through five:

Region	Year 1	Year 2	Year 3	Year 4	Year 5
San Juan	7,500	17,500	30,000	40,000	50,000
Ponce	1,600	9,625	16,500	22,000	27,500
Mayaguez	2,400	7,875	13,500	18,000	22,500
Total	11,500	35,000	60,000	80,000	100,000

To service the listed subscriber rates with the required coverage standards, TELECELLULAR will construct approximately 20 base station sites, 15 in the San Juan region, 2 in the Ponce region and 3 in the Mayaguez region in its first year of operation.

In year two, TELECELLULAR will add approximately 21 base station sites to its system for a total of approximately 41 base station sites. Ten will be built in the San Juan region, four in the Ponce region and seven in the Mayaguez region.

In year three, TELECELLULAR will add approximately four base station sites to the Ponce region. By the end of year three, it is estimated that TELECELLULAR will have built approximately 45 base stations throughout Puerto Rico.

In year four, it is anticipated that TELECELLULAR will construct one base station in the San Juan region, bringing that region's total to approximately 26. In Ponce, TELECELLULAR will add five base stations for an approximate total of 15. In Mayaguez, TELECELLULAR will construct two base stations for a total of 12.

It is anticipated that at the end of year five, TELECELLULAR will have constructed 36 sites in San Juan, 20 sites in Ponce and 17 sites in Mayaguez, a total of 73 base station sites in Puerto Rico.

Based on the current subscriber projections, it is anticipated that the 170 SMR channels licensed to TELECELLULAR's participating licensees will provide sufficient capacity for the system. However, the possibility remains that further channel capacity may be required to meet greater than expected subscriber demand.

E X H I B I T 3

LAW OFFICES OF RICHARD S. MYERS
1030 15TH STREET, N.W., SUITE 908
WASHINGTON, D.C. 20005
(202) 371-0788
TELECOPIER (202) 371-1136

Richard S. Myers
Sean P. Beatty
Jay N. Lazrus *
Lori B. Wasserman*

Communications Engineer:
James J. Keller

* Admitted to Maryland only

PR 93-144

January 4, 1995

Mr. William Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Mr. Caton:

On behalf of TeleCellular de Puerto Rico, Inc., enclosed for filing are an original and four copies of comments in the wide-area SMR rulemaking. Please stamp the file copy and return it to our courier.

If you have any questions regarding the foregoing, please contact the undersigned.

Very truly yours,

Sean P Beatty

Sean P. Beatty

Enclosures

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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
and		
Implementation of Section 309(j) of the Communications Act - Competitive Bidding 800 MHz SMR	)	PP Docket No. 93-253

COMMENTS

TeleCellular de Puerto Rico, Inc. ("TeleCellular"), by its attorneys, hereby files comments with respect to the Further Notice of Proposed Rulemaking ("FNPRM") released by the Commission on November 4, 1994 in the above referenced dockets. The FNPRM proposes a new regulatory scheme in which the Commission will license 10 MHz of Specialized Mobile Radio ("SMR") spectrum on a wide-area basis. The FNPRM makes other proposals in an attempt to create regulatory parity for all commercial mobile radio service licensees.

I. INTRODUCTION

TeleCellular is a member of a joint venture that was formed to provide wide-area SMR service on the island of Puerto Rico. The SMR licensees participating in the joint venture control approximately 200 channels across the island. Unlike other proposed wide-area systems on the mainland, TeleCellular's intends to bypass construction of an analog system and proceed directly to a digital buildout.

For the last two years, TeleCellular's principals have expended a large amount of resources organizing SMR licensees into the joint venture, contracting for preliminary system engineering and seeking Commission approval for extended implementation of the digital buildout. With this large expenditure of time and money, TeleCellular's overriding concern in this rulemaking is to ensure that existing SMR licensees may continue construction of wide-area systems without waiting for the grant of a wide-area license.

II. DETAILS REGARDING NEW WIDE-AREA LICENSES

In the CMRS Third Report and Order, adopted on August 9, 1994 and released on September 23, 1994, the Commission concluded that, ". . . wide-area licenses should be used in the 800 MHz band . . .." Third Report and Order, ¶97. Accordingly, these comments do not address whether the Commission should implement a wide-area licensing framework, but the details of such a framework.

A. Service Areas

TeleCellular agrees with the Commission that wide-area licensing should occur based upon Major Trading Areas ("MTA"). In Puerto Rico, this will ensure that wide-area licensees will have the maximum flexibility in offering services on the island. Puerto Rico is comprised of distinct population areas, and a wide-area SMR provider will not be able to compete successfully against other CMRS providers unless it can offer roaming across the entire island. An MTA license

will ensure that the future wide-area licensee can provide such services.

B. Amount of Spectrum designated for Wide-Area Licensing

Regulatory parity requires that 10 MHz be allotted for wide-area licensing. Cellular licensees are licensed for 25 MHz. The smallest PCS license covers 10 MHz, while the largest covers 30 MHz. To provide a wide-area licensee with the ability to compete with these other CMRS licensees, the Commission must allot 10 MHz for wide-area licensing.

C. Size of Wide-Area Blocks

The Commission proposes dividing the 10 MHz into four 2½ MHz blocks. However, regulatory parity requires that the Commission issue only one MTA license covering the full 10 MHz. The only reason to issue four smaller blocks is to seek competition among SMR providers. Implicit in the Commission's determination that wide-area SMR licensees must be regulated in the same manner as cellular and PCS licensees is the recognition that all three types of licensees compete against each other. Accordingly, the Commission should promote competition at the macro level, i.e., between the different types of Commercial Mobile Radio Service ("CMRS") providers. A policy which, in contrast, makes competition among wide-area SMR licensees the priority by licensing four 2½ MHz blocks will only hurt each SMR licensee's ability to compete with the other types of CMRS providers (cellular and PCS) who have access to much more spectrum. Disadvantaging wide-area SMR

licensees in this manner is especially unnecessary given that competition for traditional SMR services, such as dispatch, will continue on the lower 80 channels.

To put this argument in a different context, the Commission has not proposed taking spectrum from existing cellular licensees to create more competition among cellular providers. Instead, the Commission looks to PCS and wide-area SMR licensees to provide much needed competition to the two cellular licensees in each market. To bring added competition to fruition, the Commission should give future wide-area SMR licensees the tools to compete against the cellular and PCS licensees. One of those tools is a 10 MHz license. If the Commission is serious about creating competition among CMRS licensees, then it must create a wide-area SMR license that covers 10 MHz.

D. Spectrum Aggregation

TeleCellular agrees with the Commission that no individual spectrum aggregation cap for SMR frequencies is required. Even if a wide-area licensee somehow accumulated all available SMR spectrum in its market, it would still only hold approximately 14 MHz. As noted above, cellular and some PCS licenses cover more spectrum. With respect to other SMR licensees, there are other measures available for ensuring that adequate spectrum is available. The Commission should not pass overly restrictive rules that prevent spectrum from being put to its optimal use.

III. DETAILS REGARDING TRADITIONAL SMR LICENSES

TeleCellular agrees with the Commission that it should continue to license the lower 80 channels on a local basis. Such licensing should implement the second proposal contained in the FNPRM, i.e., local licensing should occur on a geographic basis using BTAs. FNPRM, ¶25. A BTA licensing plan would give a local SMR operator the same flexibility that the future wide area licensee will have, and that cellular and future PCS licensees currently have.

A BTA license should entitle the licensee to the use of five channels within the BTA. Incumbent licensees on the lower 80 channels should retain the same co-channel protection they currently enjoy. This will mean, in many instances, that a BTA licensee on a particular five channel group will not be able to construct a station within the BTA. Accordingly, as part of the application process for a five channel BTA license, the applicant should be required to specify one site within the BTA at which it can construct its channels while protecting incumbent licensees. Only applicants that can make this showing should be permitted to file for a particular BTA license. The construction requirement for a local BTA licensee should be the construction of one site. If an incumbent licensee in the BTA wins the license, previously constructed stations operating on the BTA license frequencies should satisfy the construction requirement. To prevent spectrum warehousing, an existing BTA licensee should only be

permitted to apply for more channels in the BTA once construction has been completed for any previously issued BTA license. However, licensees with unconstructed facilities in one BTA should be permitted to file a new application in another BTA. As the Commission has proposed, the lower 80 channels should also be available for use in a wide-area system.

In the event the Commission adopts a local licensing plan that calls for continued site specific licensing, it is appropriate to prohibit application for a new license on the lower 80 channels until all other authorizations on such channels in a given area have been constructed. The Commission's proposal, however, does not define the given area. For purposes of regulatory certainty, TeleCellular proposes defining "area" to mean any location within 40 miles of the unbuilt site. The 40 mile figure has a particularly historical allure, but more important than defining the actual figure is establishing certainty as to when an applicant may apply for another lower 80 channel authorization prior to constructing previously authorized channels.

IV. RIGHTS OF INCUMBENT LICENSEES

As described above, TeleCellular's prime concern in this rulemaking is to ensure that incumbent licensees have the flexibility and protection to continue construction of previously planned wide-area systems. Accordingly, TeleCellular agrees with the Commission's position that

incumbent licensees should be entitled to the same co-channel interference protection they currently enjoy under Section 90.621(b) of the Commission's rules.

The Commission has proposed establishing a fixed-radius protected service area for each existing SMR system. Under the Commission's proposal, the incumbent could construct new base stations within this radius as long as the 40 dBu contour of the new station does not extend the existing station's 40 dBu contour. TeleCellular agrees with the basic idea of this proposal and makes two comments. First, the rules should make it clear that all existing authorizations, whether constructed or not, are entitled to the fixed-radius protection. Within this fill-in scheme, the incumbent should designate those sites defining the geographic service area. For purposes of interference protection, those sites will be used for calculating separation distances pursuant to Section 90.621(b), even if the site is never constructed.

Second, the wording of the Commission's proposal suggests that the new base station cannot extend the originally authorized base station's 40 dBu contour. Instead, the Commission should pass a rule that permits construction of new base stations so long as the 40 dBu contour of the new station does not extend past the fixed-radius (30 kilometers as proposed by the Commission) of the originally authorized base station. On this issue, the Commission's proposal states that, ". . . we would allow the incumbent licensee to

construct new base stations within this radius of its originally authorized station provided that the 40 dBu signal strength contour of the existing station would not be extended by the new base stations." FNPRM, ¶40, p.25. TeleCellular believes that that sentence should be revised to say: ". . . we would allow the incumbent licensee to construct new base stations within this radius of its originally authorized station provided that the 40 dBu signal strength contour of the new base station does not extend past the fixed-radius of the existing station." Making this suggested change would have little, if any, impact on a future wide-area licensee while preventing adverse consequences to those licensees who filed for authorizations using the lower power and heights associated with a wide-area system.

In addition to the fixed-radius protected service area proposal, TeleCellular also requests the Commission to promulgate a rule permitting incumbent licensees to file for new base stations when the incumbent can demonstrate that, based on interference protection requirements, the wide-area licensee could not construct a transmitter at the new site, and that the new site would not materially extend the interference protection contour afforded to the incumbent. Furthermore, when considering whether a material extension of the protection contour has occurred, the Commission should permit multiple incumbents to aggregate their protection contours.