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

FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
)
Promotion of Spectrum Efficient)
Technologies on Certain Part 90) RM-9332
Frequencies)
)
)

To: The Commission

REPLY COMMENTS of the CHADMOORE WIRELESS GROUP

In accordance with §1.405 of the Rules and Regulations of the Federal Communications Commission ("Commission" or "FCC")[47 C.F.R. §1.405 (1997)] Chadmoore Wireless Group, Inc. ("Chadmoore") respectfully submits these Reply Comments in the above-captioned proceeding. Chadmoore is concerned that should the Commission adopt the entire policy course recommended by American Mobile Telecommunications Association ("AMTA"), the rights of incumbent 800 MHz licensees will be negatively impacted. Thus, Chadmoore is pleased to have this opportunity to respond to the AMTA Petition and the follow-up comment filings.

I. INTRODUCTION AND BACKGROUND STATEMENT

1. Chadmoore is a licensee and a manager of numerous facilities authorized throughout the nation in the 800 MHz Special Mobile Radio ("SMR") service. Chadmoore has now activated full market services through its 800 MHz authorized facilities in 80 cities throughout the southeastern and midwestern United States.

Chadmoore's _____
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Chadmoore holds additional authorizations and is in the process of constructing and offering services on a wide area basis by which it is expected that Chadmoore's services ultimately will be available in 168 markets. Chadmoore's system encompasses facilities which operate on frequency assignments from both the "lower 80" and "upper 200" SMR channels as well as General Category channels.

2. While numerous new entrants in the mobile radio service arena apparently are concentrating on large-scale business customers, Chadmoore has taken a different approach. Chadmoore's principle thrust of its marketing activity has been to provide basic voice and data telecommunications services to small businesses who do not always have the resources to afford the more expensive and technologically complex services offered by large-scale CMRS entities. Thus, many smaller business entities in the markets served by Chadmoore have taken advantage of Chadmoore's services and have realized the benefits of mobile telecommunications capabilities to enhance the efficiency of their business operations. Without Chadmoore's offerings, many smaller businesses who now have reliable mobile telecommunications access, would be placed at a competitive disadvantage and would be unable to enjoy the benefits that wireless telephony and related services can bring to small businesses. Chadmoore also notes that many of its customers have heightened needs for reliable and affordable capabilities. For example, in some markets, Chadmoore provides telecommunications services to small private ambulance services, which count on Chadmoore's system to ensure prompt dispatch in emergencies. Thus, Chadmoore believes that it provides a valuable service to its niche market and that the Commission must take steps to enable Chadmoore and other

similar service providers to continue to make their brand of services available to underserved segments of the business community.

II. REPLY COMMENTS

3. By the instant Petition for Rulemaking, AMTA suggests that the Commission should require a relatively rapid and Commission-mandated migration to more spectrum-efficient equipment. Chadmoore agrees that an eventual migration to narrowband operational methodologies will create additional spectrum opportunity, and such a migration, if properly planned and implemented, is a worthwhile goal. Nevertheless, Chadmoore is in agreement with certain commentors in this proceeding that AMTA's proposal to fast-track Commission-mandated migration to narrowband technologies is misplaced and largely unnecessary as applied to spectrum assignments in the 800 MHz range.

4. More particularly, Chadmoore agrees with the Council of Independent Communications Suppliers ("CICS") that the general issue of whether or not to have mandated migration to narrowband equipment was resolved in the Commission's refarming proceeding.¹ Moreover, it is particularly important to note that the AMTA proposal includes 800 MHz systems operating on spectrum from the Industrial Land Transportation and Business pools. As CICS points out, any consideration of early migration in these bands should be conducted independently of other Part 90 bands.² As explained by CICS, the equipment type acceptance requirements which have been put in place for the VHF and UHF bands cannot be applied to the 800 MHz bands because the potential supply of narrowband 800 MHz equipment is severely limited. Moreover,

¹ Comments of CICS at page 3

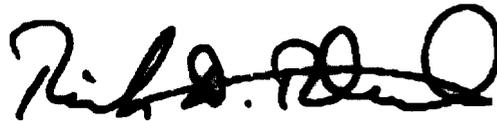
² Id.

there is no certainty as to when such equipment will generally be available to operators on a cost-effective basis. Therefore, the narrowband transition in the 800 MHz range cannot be managed in the same manner as in the VHF and UHF bands. Thus, the AMTA proposal, as applied to 800 MHz licenses, has the potential to create undue hardship on 800 MHz licensees. Further, as pointed out by CICS, the Commission already has released a Further Notice of Proposed Rulemaking regarding market-based incentives for system migration. Thus, the issues raised in AMTA's Petition, as applied to 800 MHz licenses are premature.

5. Additionally, as CICS explains, the narrowband transition already is under way, and likely can be managed and implemented without additional Commission action.³ Chadmoore agrees with CICS that as the need for spectrum increases in the future when narrowband equipment and other spectrum efficient technologies become more affordable, the marketplace clearly will dictate the transition to narrowband technologies.

Wherefore, the premises considered, Chadmoore respectfully seeks Commission action in accordance with the foregoing Reply Comments.

Respectfully Submitted,



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Date: September 15, 1998

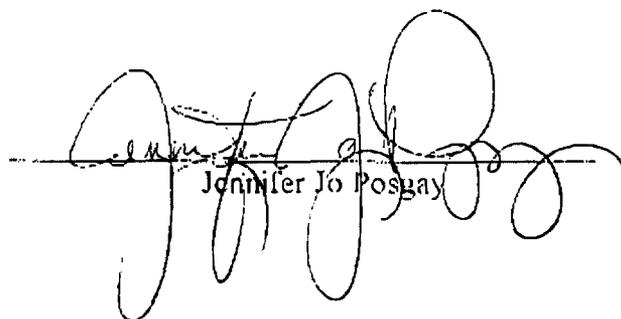
³ CICS Comments at page 4.

CERTIFICATE OF SERVICE

I, Jennifer Jo Posgay, hereby certify that on this 15th day of September, 1998, copies of the forgoing "Reply Comments" have been served by first class United States Mail, postage prepaid, upon the following:

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