

# THE RICHARD L. VEGA GROUP

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October 28, 1998

**VIA FEDERAL EXPRESS**

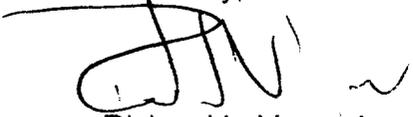
Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20037

Re: Comments to WT Docket No. 98-169: Amendment of Part 95 of the  
Commissions Rules to Provide Regulatory Flexibility in the 218-219 MHz Service;  
Filed on Behalf of IVDS/RLV, L.L.C. and Friends of IVDS, L.L.C.

Dear Ms. Salas:

Submitted herewith in original and 4 copies on behalf of the above-referenced, each a licensee of numerous 218-219 MHz service licenses throughout the United States, are its comments in response to the Federal Communications Commission Public Notice, **AMENDMENT OF PART 95 OF THE COMMISSION'S RULES TO PROVIDE REGULATORY FLEXIBILITY IN THE 218-219 MHz SERVICE, WT DOCKET NO. 98-169 RM-8951, RELEASED SEPTEMBER 17, 1998.** These comments are timely filed on or before October 30, 1998. Should the Commission have any questions concerning these matters, please contact the undersigned.

Sincerely,

  
Richard L. Vega, Jr.  
President

RLVjr/cls

Enclosures

cc: IVDS/RLV, L.L.C.  
Friends of IVDS, L.L.C.

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554**

RECEIVED  
FEB 20 1998  
FEDERAL COMMUNICATIONS COMMISSION

In the matter of: )  
 )  
AMENDMENT OF PART 95 OF THE ) WT DOCKET NO. 98-169  
COMMISSIONS RULES TO PROVIDE ) RM-8951  
REGULATORY FLEXIBILITY )  
IN THE 218-219 MHz SERVICES )

**COMMENTS TO REGULATORY FLEXIBILITY ISSUES IN THE  
218-219 MHz SERVICES**

In response to WT Docket No. 98-169, these comments are submitted on behalf of IVDS/RLV, L.L.C. and Friends of IVDS, L.L.C. ("licensees" or "the licensees"), winning bidders for multiple 218-219 MHz Service markets throughout the United States. Thus, the licensees are a party to these proceedings.

**GRACE PERIOD REQUESTS**

The licensees generally agree that the Commission should grant all properly filed 218-219 MHz Service licensees with a grace period request pending, the option of retaining their licenses under reamortization payment obligations or returning their licenses to the Commission for reauction. However, the licensees urge the Commission to extend this opportunity to any licensee that has submitted its requisite FCC downpayment to the Commission regardless as to whether any installment payments have or have not been received. The Commission must understand that many licensees have exhausted incredible efforts to identify applicable services to utilize the spectrum, and in the quest to become operational, may not have submitted a grace period request acceptable to the Commission. In fact, the Commission has not truly defined what a "properly filed" grace period request is. Therefore, "properly filed" becomes too vague and random. Also, the Commission must clarify whether the 70% downpayment credit and all installment payments made would be refunded to the licensee, not just applied to "retained markets."

## MODIFICATION TO CERTAIN TECHNICAL RULES

The licensees agree that the Commission should modify the technical rules governing this 218-219 MHz Service particularly the restriction on mobile RTUs. Additionally, the Commission should eliminate the duty cycle requirements and ease the tower height and transmitting power ratio rules to conform to those suggested under original correspondence to the Commission. These rule changes do not appear to be detrimental to other adjacent band services, since no one filed any conclusive evidence supporting an argument that these rule changes are inappropriate.

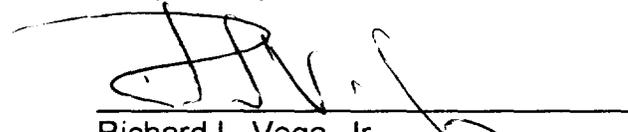
## SINGLE CONTROL OF A-BAND AND B-BAND LICENSES

The licensees also support the Commission's intention to allow common ownership between the A-band and B-band 218-219 MHz Service licensee. In an era when broadband spectrum allocations are the norm, the Commission must allow the narrow band operator more flexibility to incorporate technically advanced services that require usage of both the A-band and B-band simultaneously. This flexibility further enhances the interference elimination techniques. By this, the licensee has greater insight as to the best ability to eliminate interference to adjacent channel systems.

## CONCLUSION

The Commission's favorable reaction to the licensees' comments is necessary in order for small development stage companies to realize the dream of owning and operating a successful wireless telecommunications concern.

Respectfully submitted,

  
Richard L. Vega, Jr.  
on behalf of IVDS/RLV, L.L.C. and  
Friends of IVDS, L.L.C.

Date: \_\_\_\_\_

October 25, 1995