

July 19, 1999

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Room TW-A 325  
Washington, DC 20554

Subject: Comments to the Notice of Proposed Rulemaking in WT Docket No. 99-168

Dear Ms. Salas:

My name is Alan L. Van Velkinburgh and I am the president of Houston 2-Way Radio, a telecommunications reseller and provider. I currently sell telecommunications equipment and offer services to roughly 5,000 private wireless customers that range from small plumbing contractors with two radios all the way up to large trucking and transportation companies with over 200 radio units. I am writing in response to the Notice of Proposed Rulemaking ("Notice") which seeks comment on the extent to which the spectrum at 746-764 and 776-794 can and should be available for private mobile and private fixed radio services. The Notice references a petition filed by the Land Mobile Communications Council requesting that the FCC allocate additional spectrum for private wireless use and targeted this spectrum band as an effective solution.

As a two-way radio provider, I have found it increasingly difficult to find adequate frequencies both for my customers who wish to own their own communications system and for my private carrier operations. As my business covers one of the top 10 metropolitan areas, the spectrum that is available for my customers and for my own business is completely tapped out. My ability to compete with other large carriers such as Nextel has been curtailed as I was unable to participate in the 800 MHz auctions because the area of coverage was greater than needed, which raised the cost of spectrum beyond that which my business plan could accommodate. I have also been unable to obtain any trunked channel licenses in my area due to extreme congestion on the channels below 800 MHz.

I agree with the LMCC that this spectrum would be perfectly suited for private wireless entities, which includes both users who wish to own their own system as well as private carriers who help to utilize the spectrum efficiently by allowing multiple users to operate on the same system. The close proximity to both the 800 MHz band and the 24 MHz of spectrum allocated to public safety entities enables manufacturers to provide similar equipment at lower prices as they gain economies of scale.

The FCC needs to ensure that small business telecommunication providers such as myself have a fair and equal opportunity to obtain this valuable resource so that we may continue to offer our customers the telecommunication services they require. The structure of the auctions the FCC has conducted to date does not offer many small businesses such as mine an opportunity to obtain additional channels in order to grow our businesses. The FCC could foster true competition by adopting rules which give small businesses an opportunity to participate in the marketplace and provide the services that best fit the needs of private wireless customers.

Respectfully,

Alan L. Van Velkinburgh  
President