

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DA 99-1601

RM-9718

In the Matter of)
)
Amended Petition For)
Rulemaking To Amend Parts 21)
and 74 of the Commission's)
Rules to Permit Licensing In)
The Multipoint Distribution)
Service and the Instructional)
Television Fixed Service For)
The Gulf of Mexico)

COMMENTS

PetroCom License Corporation ("PetroCom") hereby comments in the captioned proceeding. PetroCom is a licensee of a developmental wireless local loop ("WLL") system that has been deployed in the Gulf of Mexico using Multipoint Distribution Service (MDS) and Instruction Television Fixed Service ("ITFS") frequencies. PetroCom applied for the developmental authority in 1996. Its application for developmental authority was granted on January 23, 1997, and renewed on May 1, 1998. On April 27, 1999, PetroCom filed a request for extension of the developmental authority, which request is pending, along with applications for modifications to three individual sites that are included under the developmental authority.¹

¹ Files Nos. 50321-CM-P-97, 50328-CM-P-97 & 50332-CM-P-97.

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In accordance with the Commission's developmental rules, on May 21, 1996, PetroCom filed a Petition For Rulemaking to establish permanent licensing for WLL in the Gulf on MDS and ITFS channels.² Following the release of the Commission's rules permitting two-way transmissions on MDS and ITFS frequencies³ PetroCom submitted the captioned Amended Petition for Rule Making on November 23, 1998.

PetroCom applauds the Commission for commencing the rulemaking process so that WLL can be licensed on a permanent basis in the Gulf. There is, however, a serious gap in the Commission's current licensing regime as it relates to developmental licensees on the one hand, and the competitive bidding process for awarding permanent licenses on the other. Unlike in the past, a developmental licensee desiring a permanent license must first deal with a rulemaking process for competitive bidding rules to govern the service that has been developed through its efforts. The rulemaking process takes additional time and, as seen in PetroCom's

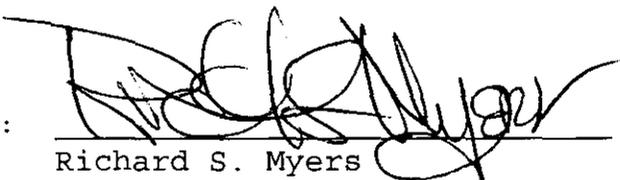
² The petition was filed by PetroCom's predecessor-in-interest, Gulf Coast MDS Service Company, which was merged into Petroleum Communications, Inc., whose licenses in turn were assigned in a pro forma transaction to PetroCom. These entities are collectively referred to as "PetroCom."

³ In the Matter of Amendments of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions, MM Docket No. 97-217, Report and Order, FCC 98-231 (released Sept. 25, 1998).

case, significant delays can be encountered. Yet, at the same time, the term of a developmental licensee is limited. Under these circumstances, the Commission should extend PetroCom's developmental authorization until permanent operations commence following the completion of a competitive bidding process. See, e.g., Pinoak Communications, Inc., 13 FCC Rcd 12802 (Wireless Telecom. Bur. 1998) (developmental license extended pending submission of permanent license application). To not extend developmental licenses during the rulemaking process for permanent licensing will serve only to disincentive developmental licensees from even pursuing such projects in the first place.

Respectfully submitted,
PETROCOM LICENSE CORPORATION

By: _____


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September 10, 1999

CERTIFICATE OF SERVICE

I, Carla M. Swann, an employee of Myers Keller Communications Law Group, hereby certify that, on September 10, 1999, a copy of the foregoing COMMENTS was forwarded by U.S. First Class mail, postage prepaid to:

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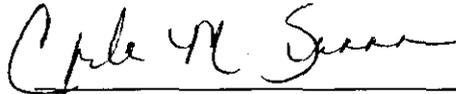
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