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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of	
Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico	WT Docket No. 97-112
Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules	CC Docket No. 90-6

COMMENTS OF STRATOS OFFSHORE SERVICES COMPANY

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SUMMARY

Stratos Offshore Services Company ("Stratos Offshore") hereby files these comments in the above-captioned proceeding that addresses the licensing of cellular service and other commercial mobile radio services ("CMRS") in the Gulf of Mexico ("GOM"). Stratos Offshore recently acquired the microwave network of Shell Offshore Services Company ("SOSCo"). This microwave network supports communications in the GOM, primarily to customers in the oil and gas industry. As a wireless licensee operating in the GOM, Stratos Offshore has a direct interest in this proceeding.

Stratos Offshore supports the comments and reply comments submitted by SOSCo in the first round of comments in the GOM NPRM. In particular, Stratos Offshore supports the Commission's proposal to license non-cellular CMRS spectrum, except for PCS spectrum, in the GOM as swiftly as possible. The strong response by commenters indicates that there is a demand for a wide-range of wireless spectrum and services in the GOM. There is no reasonable justification for denying users in the GOM the benefits of telecommunications services that are available elsewhere in the United States. In recognition of the unique service area of the GOM, however, Stratos Offshore believes that the GOM area should be treated as a single area for licensing non-cellular CMRS licenses.

Stratos Offshore, however, also believes that the Commission should refrain from licensing personal communications services ("PCS") in the GOM. The cost of displacing microwave operations in the GOM outweighs any benefits that may be derived by licensing PCS operations in the GOM. Microwave networks, such as the one

operated by Stratos Offshore, are the principal means of providing communications for oil and gas operators in the GOM. Introducing PCS into the GOM would result in the displacement and relocation of 2 GHz microwave licensees at considerable cost and with great disruption to vital communications. While the displacement of microwave operations may have made economic sense on land, the GOM is a different economic environment. Significant investment in the microwave technology and the establishment of a wide network of microwave stations has created a reliable system of communications in the GOM that the oil and gas industry depends upon for safety and efficiency. The Commission should not threaten the reliability of these communications by introducing PCS in the GOM.

Stratos Offshore also supports applying the same service and operational requirements to CMRS licensees in the GOM that are applied to land-based licensees. Some commenters have argued that licensees operating in the GOM are somehow different from land-based licensees. They have attempted to lead the Commission into thinking that radio propagation characteristics over water make the GOM an inappropriate area in which to license commercial spectrum. The fact that propagation over water is better than propagation over rough terrain is not, in and of itself, a reason for treating the Gulf differently from other service areas. Indeed, some existing adjacent service areas, as defined in the Commission's auction rules, have over-the-water and flat terrain characteristics similar to the GOM but are not subject to unique interference rules. The Commission should apply the same service and operational requirements to CMRS licensees in the GOM that are applied to land-based licensees.

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COMMENTS OF STRATOS OFFSHORE SERVICES COMPANY

Stratos Offshore Services Company ("Stratos Offshore") hereby files these comments in the above-captioned proceeding that addresses the licensing of cellular service and other commercial mobile radio services ("CMRS") in the Gulf of Mexico ("GOM").[1] Stratos Offshore recently acquired the microwave network of Shell Offshore Services Company ("SOSCo").[2] This microwave network supports communications in

[1] See Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, 12 FCC Rcd. 4576 (1997) ("GOM NPRM"). A number of parties previously filed Comments and Reply Comments during a comment period following the Commission's release of the GOM NPRM in 1997. Because the Commission inadvertently neglected to publish the GOM NPRM in the Federal Register at that time, the agency has opened a new filing window triggered by the recent publication of the document. See 65 Fed. Reg. 24168 (Apr. 25, 2000).

[2] See Wireless Telecommunications Bureau Assignment of Authorization and Transfer of Control Applications Action, Report No. 474 (March 8, 2000).

the GOM, primarily to customers in the oil and gas industry. As a wireless licensee operating in the GOM, Stratos Offshore has a direct interest in this proceeding.

Stratos Offshore supports the comments and reply comments submitted by SOSCo in the first round of comments in the GOM NPRM, and hereby incorporates SOSCo's comments and reply comments by reference.[3] Stratos Offshore supports the Commission's proposal to license non-cellular CMRS spectrum, except for PCS spectrum, in the GOM as swiftly as possible.[4] The strong response by commenters indicates that there is a demand for a wide-range of wireless spectrum and services in the GOM. There is no reasonable justification for denying users in the GOM the benefits of telecommunications services that are available elsewhere in the United States. In recognition of the unique service area of the GOM, Stratos Offshore believes that the GOM area should be treated as a single area for licensing non-cellular CMRS licenses.

Stratos Offshore, however, also believes that the Commission should refrain from licensing personal communications services ("PCS") in the GOM. At this time, the high cost of displacing microwave operations in the GOM, and the potential safety risks posed by such displacement to the oil and gas industry, outweighs any benefits that may be derived by licensing PCS operations in the GOM.

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[3] See Comments of SOSCo (July 2, 1997) ("SOSCo Comments"); Reply Comments of SOSCo (Aug. 4, 1997) ("SOSCo Reply Comments").

[4] See GOM NPRM, 12 FCC Rcd. at 4599.

I. THE COMMISSION SHOULD LICENSE NON-CELLULAR CMRS SPECTRUM, EXCEPT PCS, IN THE GOM

A. The GOM Should be Licensed Like Other Regions of the U.S.

Stratos Offshore supports the Commission's proposal to license non-cellular CMRS spectrum in the GOM. With the exception of the Wireless Communications Service ("WCS") spectrum auction, the Commission has repeatedly excluded the GOM from licensing. Like other commenters, Stratos Offshore believes that this exclusion is unwarranted.[5] While the Commission in various spectrum auctions has sought to include the continental United States, Alaska, Hawaii, the U.S. Virgin Islands, Puerto Rico, Guam, American Samoa and the North Mariana Islands, the GOM has been excluded, despite the numerous companies operating there.[6] In fact, the GOM was omitted from the 220 MHz auction, the PCS, Local Multipoint Distribution Service ("LMDS"), Multipoint Distribution Service ("MDS"), 900 MHz and 800 MHz auctions. Further, the GOM would also have been omitted from the Wireless Communications Service ("WCS") auction had SOSCo not successfully persuaded the Commission to make it an auctionable service area. This exclusion is unwarranted since the GOM is a

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[5] See SOSCo Comments at 4-9; API Comments at 7-9.

[6] See SOSCo Comments at 5 ("For example, despite the fact that 900 MHz SMR licenses recently were auctioned for the entire continental United States, all of Alaska, every Hawaiian island, and such far flung places as American Samoa, Guam, the Virgin Islands, Puerto Rico, and the Northern Mariana Islands, the GOM was not included in the auction. As a result, there is currently a dearth of CMRS spectrum in the GOM.").

vital economic region of the United States and, like other important economic areas, there should be access to a full-range of telecommunications services.[7]

The demand for wireless services in the GOM is real.[8] The wide-breadth of comments and reply comments filed in this proceeding demonstrates that there is a market for wireless services there.[9] In particular, the oil and gas production in the GOM continues to increase, and with it, there is a pressing need for reliable telecommunications services, including voice and data communications. In addition, a number of others, including DMS, Petrocom, Bachow/Coastel, Sola Communications and CapRock Communications all compete against SOSCo in providing telecommunications services in the GOM to the petroleum industry and others.

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[7] See "Deep-Water Gulf Finds Surge Despite Low Prices; companies experience exploration success," The Oil Daily (April 21, 1999) ("Low oil prices may be putting a cap on upstream budgets and U.S. drilling activity this year, but one would hardly know that from looking at the deep-water Gulf of Mexico. . . . Major discoveries are running well ahead of last year's pace in the deep water despite lower spending levels – and analysts say results could improve even further. . . .").

[8] While the demand for a full-range of telecommunications services in the GOM is real, Stratos Offshore, like SOSCo, believes that the Commission should not require a demonstration of demand before licensing non-cellular CMRS services in the GOM. See SOSCo Comments at 6-7. The Commission has not required a showing of demand from other sparsely populated regions of the United States, territories and possessions before services were auctioned off in each region. The GOM should not be treated any differently.

[9] While some of the comments and reply comments from land-based non-cellular operators argue that it is not necessary to license water-based operators because land-based licenses extend into the GOM -- an argument that Stratos Offshore disputes -- even these comments show a desire and demand to provide non-cellular services in the GOM.

There is a particular demand for specialized mobile radio ("SMR") services in the GOM.[10] In the words of the American Petroleum Institute ("API"), "API believes that there is more than adequate demand for SMR services in the Gulf to warrant the assignment of SMR licenses. . . ."[11] With reliable telecommunications in the GOM, companies operating there can increase productivity, efficiency and the safety of their workers.

> SMR spectrum in the 800 MHz and 900 MHz bands is well-suited for communications between crew members on an offshore platform and – if interconnected with the switched telephone system – for platform-to-shore and platform-to-platform communications. It is likely that the oil and gas industry would be able to benefit, in many cases, from the availability of reliable SMR service in the Gulf.[12]

Service providers, such as SOSCo and now Stratos Offshore, have been limited in their ability to provide these telecommunications services because the full-range of wireless spectrum has not been licensed in the GOM. Prompt action to license the non-cellular CMRS spectrum in the GOM will greatly benefit the oil and gas industry and communications in the GOM, and therefore is in the public interest.

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[10] SOSCo Comments at 6 ("As explained above, there is a large and growing need for a variety of telecommunications services in the GOM, including SMR service. In fact, if this spectrum is licensed in the GOM, SOSCo almost certainly would try to obtain an SMR license(s). This license(s) would be used to augment the telecommunications services currently being provided to. . .the petroleum and natural gas industries by SOSCo's above-described common carrier microwave network.").

[11] See API Comments at 7.

[12] See id. at 8.

In addition, Stratos Offshore believes the Commission should promptly issue 220 MHz licenses in the GOM. In the transaction with SOSCo, Stratos Offshore also acquired fourteen 220 MHz licenses. These licenses authorize Stratos Offshore to serve several Gulf Coast Economic Areas ("EAs") generally stretching from Port Arthur, Texas to Mobile, Alabama.[13] Stratos Offshore is desirous of securing additional Phase II 220 MHz licenses to serve the adjacent GOM. Obtaining authority to use 220 MHz frequencies in the GOM is important to Stratos Offshore's overall plans for the development and deployment of a two-way mobile radio (dispatch) communications network to serve petroleum and natural gas exploration and production industry in the GOM, as well as the supporting infrastructure operated from multiple onshore sites located throughout the Gulf Coast region.

Prior to the Commission's Phase II 220 MHz Service auction, SOSCo had urged the Commission, both in formal pleadings and in *ex parte* presentations, to include the GOM as an EA in the auction.[14] In fact, while the Commission did list the GOM as EA Number BEA 176 in its Bidder Information Package,[15] the Commission, in an apparent administrative oversight, did not include the GOM in subsequent informational notices, and the GOM was therefore omitted from the auction.

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[13] SOSCo won licenses to serve the following Gulf Coast EAs: EA80 (Mobile, AL); EA82 (Biloxi-Gulfport-Pascagoula, MS); EA83 (New Orleans, LA-MS); EA84 (Baton Rouge, LA-MS); EA85 (Lafayette, LA); EA86 (Lake Charles, LA); and EA87 (Beaumont-Port Arthur, TX). See Public Notice, Report No. AUC-18-F (Auction No. 18), DA 98-2143, released October 23, 1998.

[14] See, e.g., Comments of SOSCo, PR Docket No. 89-552 (Dec. 16, 1998).

[15] FCC Auction; The Phase II 220 MHz Service Auction Nationwide Economic Area, and Economic Area Group Licenses; September 15, 1998.

There is no reason, procedurally or otherwise, why the Commission should not auction CMRS spectrum -- particularly 220 MHz band spectrum -- in the GOM. There are carriers currently interested in securing spectrum to provide commercial wireless services, and there is a growing market in need of additional commercial wireless services. Not only is additional spectrum critical for the protection of life and property in the deep waters of the GOM, it can make a significant contribution to the overall production of energy sources in this offshore area.

Moreover, certain telecommunications requirements unique to the GOM cannot be reliably and economically met using allocations in other spectrum bands, such as UHF, 800 MHz and 900 MHz. For instance, the narrowband technology of 220 MHz equipment and the superior propagation characteristics of 220 MHz spectrum will enable licensees to provide more cost effective, reliable and spectrum efficient wireless communications services to and between remote oil exploration and production sites throughout the GOM than is currently available with the use of other frequency bands. Further, because many deepwater production platforms cost over $1 billion to construct and typically house over 100 people at any given time, the lack of adequate spectrum capable of providing reliable commercial mobile service to these platforms has become a growing concern in the petroleum and natural gas industries.

B. Non-cellular CMRS Licensees in the GOM Should Be Authorized To Operate in the Entire GOM

In licensing non-cellular CMRS spectrum in the GOM, Stratos Offshore supports authorizing licensees to operate in the entire GOM, as opposed to dividing the

GOM into two zones – a Coastal and Exclusive Zone.[16] Unlike the numerous and longstanding disputes between land-based and water-based GOM cellular operators that prompted the Commission's GOM NPRM, the frequency and intensity of disputes does not exist between land-based and water-based non-cellular licensees.[17] Accordingly, the primary justification for dividing the GOM into two regions does not exist for non-cellular CMRS spectrum.

In addition, the sparse population in the Gulf of Mexico makes it inappropriate to divide the area into multiple service areas. Stratos Offshore believes that with a transient industry like oil and gas exploration, dividing the GOM into two different operating zones would increase transaction costs because industrial customers would need to deal with multiple service providers in order to obtain communications in the entire GOM operating area.[18] This unnecessarily creates inefficiencies that are not in the public interest.

The inefficiencies of creating two zones for non-cellular CMRS operations would also potentially discourage operators from providing services in the GOM. Indeed, dividing the GOM into two regions would decrease the service area for a

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[16] See GOM NPRM, 12 FCC Rcd. at 4600 ("If it is determined that geographic area licensing is warranted, we seek comment on how Gulf service areas should be defined, and whether the two-zone approach. . .should be extended to potential SMR licensees.").

[17] See GOM NPRM, 12 FCC Rcd. at 4578 ("Over the past decade, conflict has arisen between the land-based and water-based cellular carriers in the Gulf region over which carriers should provide service to coastal areas.").

[18] See SOSCo Comments at 9-10.

provider, thereby significantly reducing the area of coverage to obtain a return on a provider's investment on infrastructure. Since the installation of telecommunications infrastructure in the GOM greatly exceeds the cost of installation on land, the reduction on the return of that investment may discourage providing service at all in the GOM. Accordingly, the Commission should authorize operation throughout the entire GOM for each of the non-cellular CMRS licenses it issues.

At the same time, the Commission should reject claims by land-based non-cellular licensees that they automatically have the authority to serve regions of the GOM adjacent to their land-based service areas.[19] Stratos Offshore agrees with the arguments set forth by SOSCo that the GOM was not included in the service areas of non-cellular CMRS licenses issued on a MTA or BTA basis.[20] As SOSCo correctly observes, the MTA and BTA definitions set forth in the Rand McNally Atlas does not make any reference to the GOM. Even if these definitions did intend to incorporate areas in the GOM adjacent to the coast, Stratos Offshore agrees that the Commission should use its discretion, as it has done in other instances, to carve out a separate MTA for purposes of a particular auction. The unique geographic and economic circumstances of the GOM justify the creation of a license area separate from the U.S. mainland and its coast.

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[19] See e.g., Sprint Spectrum L.P. Reply Comments at 1 (Aug. 4, 1997); BellSouth Corporation Reply Comments at 1-2 (Aug. 4, 1997).

[20] Several commenters cite a Wireless Telecommunications Bureau decision for support for their assertion that the PCS licensees on the coast of the U.S. already have authority to operate in the GOM. As SOSCo observed, the language cited to support this assertion is dicta in a footnote of a FCC decision. See SOSCo Reply Comments at 16.

Stratos, however, recognizes a distinction with respect to 220 MHz WCS licenses. In the WCS auction, the Commission determined that:

> [L]and-based license regions abutting the Gulf of Mexico will extend to the limit of the territorial waters of the United States in the Gulf, which is the maritime zone that extends approximately twelve nautical miles from the U.S. baseline. Beyond that line of demarcation, we will create the Gulf of Mexico REAG and MEA, which will extend from that line outward to the broadest geographic limits consistent with international agreements . . . . The limits and coordination of signal strengths at the boundaries of the service areas meeting in the Gulf region will be the same as those that will apply for all service areas.

The same geographic service area delineation should be adopted *vis-a-vis* land-based and water-based 220 MHz licensees.[21] Specifically, the service area of a 220 MHz Service licensee authorized to serve the GOM should begin approximately twelve nautical miles from the U.S. baseline and extend from that line outward to the broadest geographic limits consistent with international agreements.

C. The Commission Should Not License PCS Operations in the GOM

While the Commission should license non-cellular CMRS services in the GOM, it should refrain from licensing PCS. Microwave networks, such as the one operated by Stratos Offshore, are the principal means of providing communications for oil and gas operators in the GOM. Introducing PCS into the GOM would result in the

[21] FCC Auction; The Phase II 220 MHz Service Auction Nationwide Economic Area, and Economic Area Group Licenses; September 15, 1998 at ¶ 59.

displacement and relocation of 2 GHz microwave licensees at considerable cost and with great disruption to vital communications.

The costs of introducing PCS in the GOM outweigh the benefits. While Stratos Offshore is aware that the Commission has already weighed the benefits and costs in favor of relocating and disrupting microwave operations in favor of PCS operations on land, it does not believe that this calculus should be blindly applied to the GOM, as some commenters have suggested.[22] On the mainland, economics and consumer demand prompted the Commission to reallocate the 2 GHz band to PCS. In the words of the Commission, "[the emerging technologies] are expected to provide the public with enhanced personal access to communications services and to enable businesses to realize increases in productivity."[23] Further, the Commission was persuaded by commenters that expressed concern that a failure to introduce PCS on land would hurt the competitiveness of the U.S. telecommunications industry in the international telecommunications market.[24] In the major consumer markets, such as New York, Chicago or Houston, with millions of individuals, numerous diverse businesses and a widespread demand for wireless telecommunications alternatives, the Commission's conclusion was understandable.

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[22] See Sprint PCS Reply Comments at 4; BellSouth Reply Comments at 2.

[23] In the Matter of Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies, 7 FCC Rcd. 6886, 6888 (1992).

[24] Id. at 6887.

The GOM, however, is a different environment with different economics and a different "public." Indeed, the driving economic force and "consumer" market in the GOM is the oil and gas industry. For this industry, microwave communications is *the* method of communicating in the GOM. Significant investment in this technology and the establishment of a wide network of microwave stations has created a reliable system of communications in the GOM that the oil and gas industry depends upon for safety and efficiency. While this industry seeks a wide array of telecommunications alternatives in the GOM, it does not want to jeopardize its core telecommunications operations, and as a result, it has not indicated support for the introduction of PCS. Introducing PCS in the GOM will disrupt critical communications and come at significant cost.[25] With the costs outweighing the benefits, the Commission should not introduce PCS into the GOM, especially when the principal industry in the GOM is not seeking the service.

Significantly, the principal supporters of PCS operations in the GOM are the PCS industry. With numerous years of experience in the GOM, the oil and gas industry is in the best position to determine whether PCS is needed. Absent a showing by the oil and gas industry that PCS is needed, however, the Commission should refrain from introducing the service. No showing has been made, and as a result, Stratos Offshore believes that the Commission should continue to rely upon existing cellular

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[25] Further, API has indicated that there are technical limitations to introducing PCS into the GOM. See API Comments at 8 ("With respect to PCS, API believes that, while such services could be an asset to offshore operations, unfavorable propagation characteristics may make it technically infeasible to implement PCS in the Gulf.").

operations to address the communications needs of the most likely customers of PCS in the GOM.

II. SERVICE AND OPERATIONAL REQUIREMENTS APPLICABLE TO LAND-BASED CMRS LICENSEES SHOULD APPLY TO CMRS LICENSEES IN THE GOM

Stratos Offshore agrees with the comments that support applying the same service and operational requirements to CMRS licensees in the GOM that are applied to land-based licensees.[26] Some commenters have argued that licensees operating in the GOM are somehow different from land-based licensees. They have attempted to lead the Commission into thinking that radio propagation characteristics over water make the GOM an inappropriate area in which to license commercial spectrum. The fact that propagation over water is better than propagation over rough terrain is not, in and of itself, a reason for treating the Gulf differently from other service areas. Indeed, some existing adjacent service areas, as defined in the Commission's auction rules, have over-the-water and flat terrain characteristics similar to the GOM but are not subject to unique interference rules.[27]

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[26] SOSCo Comments at 12.

[27] For example, EA 64 (Chicago) is approximately 97 km from EA 65 (Lake Michigan from Benton Harbor/St. Joseph, Michigan). According to the rules, Phase II licensees in EA 65 who choose to locate their base stations within 120 km of base stations of co-channel Phase I licensees in EA 64 will be required to provide 10 dB protection to the predicted 38 dBuV/m service contours of the co-channel Phase I base stations. Propagation conditions similar to the EA 64/EA 65 example exist for adjacent EAs separated by flat terrain (e.g., EA 137 (Lubbock, TX)/EA 138 (Amarillo, TX)) or large bodies of water (e.g., EA 62 (Grand Rapids-Muskegon-Holland, MI)/EA 63 (Milwaukee-Racine, WI); EA 56 (Toledo, OH)/EA 57 (Detroit-Ann Arbor-Flint, MI); and EA 55 (Cleveland-Akron, OH)/EA 57 (Detroit-Ann Arbor-Flint, MI)).

Accordingly, for example, in the case of 220 MHz licenses, the Commission's protection rules, based on reliable interference-free radio communications, regardless of EA-specific propagation characteristics, should not discriminate one EA from another but, rather, should protect the geographic boundaries of each EA based on the established field strength (i.e., 38 dBu). All licensees operating in EAs with "favorable propagation" characteristics, regardless of whether they are over water or flat land, should be required to construct their systems so as to satisfy the maximum field strength at the EA boundary.[28]

Protection of service areas for geographically-defined radio licenses is of paramount importance. Stratos Offshore concurs with the general premise that co-channel radio facilities in adjacent EAs should provide mutual protection based on established interference criteria, and, in the case of 220 MHz licenses, that Phase II licensees should protect Phase I facilities according to the Commission's rules. However, considering radiofrequency propagation factors alone, there appears to be no rationale for excluding the GOM as an equivalent EA relative to the Commission's auction rules.

The Commission licensed the GOM as a geographically-defined service area for the WCS, without establishing interference criteria different from that imposed

[28] In order to comply with the maximum field strength, some licensees may use directional antennas "aimed" away from the EA boundary, while others may use lower transmit power or lower antennas for base stations located near the EA boundary. These same interference mitigating techniques are available for radio facilities located in the GOM.

on other WCS licensees.[29] By licensing the GOM as a distinct WCS service area, without imposing different interference criteria, the Commission implicitly recognized that a licensee operating in the GOM is no different from a licensee operating in other areas of the United States. The same treatment should apply to Commission licensing of other non-cellular CMRS spectrum in the GOM.

III. CONCLUSION

Stratos Offshore supports the prompt licensing of non-cellular CMRS spectrum, except PCS spectrum, in the GOM. The non-cellular CMRS licenses should be issued for operation throughout the entire GOM and should be separate from any licenses authorizing operation in adjacent land-based areas. In addition, Stratos Offshore supports applying the same service and operational requirements to CMRS licensees in the GOM that are applied to land-based licensees.

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[29] See Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service, 12 FCC Rcd. 10785 (1997).

Respectfully submitted,

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