

PEPPER & CORAZZINI, LLP
ATTORNEYS AT LAW

1776 K STREET, N.W., SUITE 200
WASHINGTON, D.C. 20006-2334

GREGG P. SKALL
EXT. 231
GPS@COMMLAW.COM

(202) 296-0600
FAX (202) 296-5572
WWW.COMMLAW.COM

August 1, 2001

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

**Re: Comments of MicroTrax™ on
Petition for Rule Making of AeroAstro, Inc., filed by AeroAstro, Inc., RM-10166
Petition for Rule Making, filed by ARRL, RM-10165**

Dear Ms. Salas:

On behalf of MicroTrax™, the undersigned hereby submits comments pursuant to Section 1.405(a) of the Commission's rules in the above captioned proceedings. In addition, the undersigned hereby submits a certificate of service on the original petitioners pursuant to Section 1.405(a) of the Commission's rules in the above captioned proceedings.

Should you have any questions or desire additional information with regard to these comments, kindly contact the undersigned.

Sincerely,


Gregg P. Skall

Enclosure

cc: *Mitchell Lazarus, counsel to AeroAstro, Inc.*
Christopher Imlay, counsel to ARRL

MB/jlt
I:\wp\5142\file MicroTrax 2300-2305MHz Comments.doc

**Before the
Federal Communications Commission
Washington, D.C. 20554**

To: The Commission)	
In the Matter of)	
)	
Allocation of the 2300-2305 MHz)	RM-10165
Spectrum Band)	RM-10166
)	

Comments of MicroTrax™

I. Introduction

MicroTrax (“MicroTrax™”) by counsel and pursuant to Section 1.405 of the Commission's Rules, hereby submits its comments in response to the above referenced petitions for rule making.¹ On November 11, 1999, MicroTrax™ filed its own petition for rule making, RM-9797, that sought allocation of the spectrum band that is now the subject of this proceeding. MicroTrax™ originally sought the allocation of a series of bands of electromagnetic spectrum made available by the Federal Government pursuant to the Omnibus Budget Reconciliation Act of 1993² and Title III of the Balanced Budget Act of 1997³, for the establishment of a new and competitive Personal Location and Monitoring Service (“PLMS”). MicroTrax now reiterates its original request with these comments filed in response to petitions seeking the primary allocation of 2300-2305 MHz to the Amateur Radio Service and the Miscellaneous Wireless Communications Service.⁴

¹ See Report No. 2491, released July 2, 2001.

² Pub. L. 103-66, 107 Stat. 312 (1993).

³ Pub. L. 105-33, 111 Stat. 251 (1997).

⁴ See *Petition for Rule Making* filed on behalf of ARRL (May 7, 2001) and *Petition for Rule Making of AeroAstro, Inc.* filed on behalf of AeroAstro, Inc. (April 9, 2001).

II. Need for a Competitive Personal Location and Monitoring Service

MicroTrax™ has previously stated, and continues to believe strongly, that the establishment of a PLMS service should create a competitive environment in which potential PLMS providers can operate. Given the need for a primary allocation of a single five MHz band in which to operate an effective PLMS service, at least two such bands would be necessary to provide for a competitive PLMS marketplace.

MicroTrax™ previously identified 2300-2305 MHz as a band without a primary allocation or assignment that could be used for such a competitive allocation. MicroTrax™ believes that PLMS rules can be adopted that respect the adjacent band interference limits proposed by NTIA to protect NASA's Deep Space Network.⁵ Accordingly, MicroTrax™ renews its call for the creation of a competitive Personal Location and Monitoring Service and asks that the Commission consider such an allocation under the proposed rules it has submitted for consideration and comment by the public in the RM-9797 proceeding.

III. Conclusion

MicroTrax™ believes strongly that the time has come for the Commission to adopt a Personal Location And Monitoring Service. PLMS would serve the public interest in many ways already identified and hundreds more only being imagined today. To meet its goals, PLMS requires an exclusive 5 MHz band. To establish a competitive PLMS service,

⁵ See NTIA 1995 Spectrum Report at Section 4; *see also Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service*, 12 FCC Rcd 10785 at para. 12, n. 13 (1997).

at least two such bands are required. The 2300-2305 MHz band is well suited for this purpose.

Respectfully submitted,

MICROTRAX™

By: _____
Gregg P. Skall
Mark Blacknell
Counsel for MicroTrax™

Pepper & Corazzini, LLP
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
(202) 296-0600

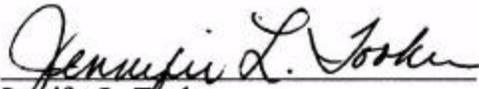
August 1, 2001

CERTIFICATE OF SERVICE

I, Jennifer L. Tooker, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that on this 1st day of August, 2001, copies of the foregoing *Comments of MicroTrax™* were mailed, postage prepaid, to the following:

Christopher D. Imlay, Esq.
Booth, Freret, Imlay & Tepper, PC
5101 Wisconsin Avenue, NW
Suite 307
Washington, DC 20016-4120

Mitchell Lazarus, Esq.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street
11th Floor
Arlington, VA 22209-3801


Jennifer L. Tooker