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Before the
FEDERAL COMMUNICATIONS COMMISSION RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Reallocation of the 216-220 MHz,)	ET Docket No. 00-221 /
1390-1395 MHz, 1427-1429 MHz,)	RM-9267
1429-1432 MHz, 1432-1435 MHz,)	RM-9692
1670-1675 MHz, 2385-2390 MHz)	RM-9797
Government Transfer Bands)	RM-9854

To: The Commission

SUPPLEMENTAL COMMENTS

Mobex Communications, Inc. (Mobex) and its subsidiary, Regionet Wireless License, LLC (Regionet) hereby respectfully submits its Supplemental Comments in the above captioned matter. In support of its position, Mobex shows the following.

In its initial Comments in the above captioned matter, Mobex requested that the Commission return Automated Maritime Telecommunications System Group C (216.5-217.0 MHz and 218.5-219.0 MHz) and Group D (216.0-216.5 MHz and 218.0-218.5 MHz) to the AMTS spectrum allocation. More than six months has passed since Mobex submitted its request. In that time Mobex has considered the matter further and suggests the following alternative.

As Mobex has explained, an additional allocation of spectrum to AMTS is necessary if any major manufacturer is going to be willing to produce state of the art equipment for use in the AMTS bands. In its initial comments, Mobex requested an increase from the current two megahertz of AMTS spectrum to four megahertz. Further discussions with manufacturers

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have led Mobex to conclude that if state of the art equipment becomes available in response to an expanded AMTS allocation, the needs of the maritime public can be met with less than four megahertz, while more fully accommodating the needs of other spectrum users.

Discussions with the Commission's staff have shown that it is necessary to explain that for spectrum to be useful for AMTS service, paired frequencies are required, with the spacing of base and mobile frequencies consistent with the current allocation in Groups A and B. Therefore, it is necessary to adjust spectrum allocations in both the band 216-217 MHz and in the band 218-219 MHz. Without such an adjustment, it is likely that competitive bidding for a portion of either band would be tepid, at best.

The Commission has been looking toward a re-auction of spectrum which was not taken earlier or which was abandoned in the band 218-219 MHz. Experience has shown that use of the current allocation of the 218-219 MHz band has not been sufficient to serve the public interest well. Reason suggests that restoring a portion of the band 218-219 MHz to AMTS use on a co-primary basis with existing users which have met their construction and operation requirements and accepting competitive bids on that portion of the band for either AMTS service or 218-219 MHz service, as the winner chooses, will lead to a more robust determination of the person or persons which place the highest value on access to the spectrum.

The Commission is also looking toward an auction of AMTS spectrum. Conducting separate auctions for the 218-219 MHz band and AMTS spectrum would consume an undue amount of the Commission's scarce resources. To maximize competition at a lower cost to the Commission, the Commission should conduct only one auction of this spectrum.

To facilitate the highest and best use of the band 218-219 MHz, the Commission should restore the band 218.5-219.0 MHz to AMTS on a co-primary basis with existing 218-219 MHz users which have met their construction and operation requirements. The winner(s) of the auction for the 218.5-219 MHz band should be afforded the right to relocate, at its cost, existing users which have met their construction and operation requirements to comparable spectrum in the band 218.0-218.5 MHz. If an auction winner chooses not to relocate an existing user, it should be required to provide protection to such users on a co-primary basis. Consistent with the Commission's policy in the Upper 200 SMR band, any spectrum abandoned by a licensee in the 218-219 MHz Service should be included within the AMTS authorization in the geographic area.

The hearing impaired community and agencies involved in law enforcement tracking have well explained their needs to the Commission. Mobex acknowledges those needs and with those needs in mind suggests that following reallocation of the band 216-217 MHz.

The Commission should reallocate 216.5-217 MHz to AMTS service on a co-primary basis to existing, operating Low Power Radio Service users. (Note that AMTS is already an

LPRS eligible for network control station use in the band 216.750-217 MHz on a co-secondary basis.) The Commission should elevate LPRS to primary status in the band 216.0-216.5 MHz. The Commission should also allocate the band 218-218.5 MHz to LPRS use on a co-primary basis to existing constructed and operating stations in the 218-219 MHz Service. With this plan, the hearing impaired community will receive a full one megahertz, one-half megahertz on a primary basis and one-half megahertz on a co-primary basis, assuring the community of sufficient spectrum for the foreseeable future.

The winner(s) of the auction for the band 216.5-217.0 MHz should be provided with the right to relocate, at the winner's cost, existing LPRS users to comparable spectrum, retuning or replacing users' equipment, as necessary. If an auction winner chooses not to relocate a certain LPRS user, it should have the obligation to share the spectrum on a co-primary basis.

Mobex's study has found that only a limited number of frequencies in the 216-217 MHz band are actually exploited by manufacturers of law enforcement tracking equipment. As an auction winner, Mobex would either refrain from using those frequencies or would relocate existing law enforcement tracking users to comparable spectrum.

Equipment used by hearing impaired persons is far less costly than the high power land mobile equipment being retuned or replaced by winners of the Upper 200 SMR Auction or the fixed microwave equipment being retuned or replaced by winners of the PCS Auctions. If an

auction winner under this plan, Mobex would be delighted to undertake the opportunity to bear the cost of relocating incumbent law enforcement and hearing impaired LPRS users to comparable spectrum. The Commission's rules which have successfully defined "comparable spectrum" in the 800 MHz and 2 GHz bands can be applied directly to relocation of LPRS and 218-219 MHz incumbents.

Mobex's plan explained herein provides the Commission and the public with multiple benefits. In the 218-219 MHz band, returning a portion of that band to AMTS use will allow a more reasonable determination of the value of the spectrum to those who will use it. While the Commission may be barred from directly considering in its decision making the revenue to be derived from an auction, the Commission should adopt rules and policies which will allow spectrum to rise to its full market value. It must also be recognized that the economic status of the United States has changed greatly since initial comments were filed in the above-captioned proceeding. In March 2001, the economy was robust and the Treasury enjoyed a substantial surplus which all persons had expected would be applied to Social Security and Medicare. The wholly unexpected foreign attack on the people and the property of the United States and the attack's severe consequences for the economy and for the Treasury cannot be reasonably disregarded by the Commission in structuring its spectrum allocations and selecting the plan for assigning spectrum in the band 216-220 MHz. Accordingly, Mobex urges the Commission to allocate spectrum in a manner which will allow the spectrum to reach its highest and best use and allow it to be assigned to the persons who value it most.

While it may be obvious, Mobex understands that the LPRS community should not be required to participate in a spectrum auction. Under Mobex's plan, the Commission should elevate the status of the LPRS, but should continue to license LPRS operation by rule, without charge to any end user.

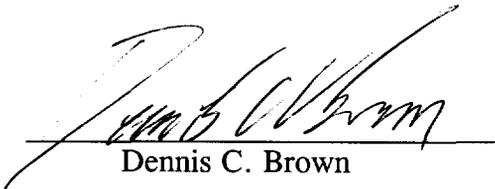
With Mobex's plan, the LPRS community, and in particular, the hearing impaired community, will receive a permanent spectrum home on a primary basis. It will no longer have to share its spectrum home with other co-secondary users. Some LPRS users will almost certainly have the opportunity to obtain replacement of existing equipment with state of the art equipment. Law enforcement tracking users will be elevated to a primary status to facilitate their activities in the days ahead.

Conclusion

For all the foregoing reasons, Mobex respectfully requests that the Commission adopt the spectrum allocation plan suggested herein. The plan will provide the most reasonable and productive spectrum allocation for geographic licensing while providing the hearing impaired and law enforcement communities with one full megahertz of spectrum on a co-primary basis.

Respectfully submitted,
MOBEX COMMUNICATIONS, INC.

By


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