

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Biennial Regulatory Review – Amendment of)	WT Docket No. 03-264
Parts 1, 22, 24, 27, and 90 to Streamline and)	
Harmonize Various Rules Affecting Wireless)	
Radio Services)	

**COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

The American Mobile Telecommunications Association, Inc. (“AMTA” or “Association”) respectfully submits its comments on the Commission’s proposal to streamline and harmonize rules affecting wireless services.¹ AMTA agrees with the proposed rule modifications and deletions applicable to the Part 22 and Part 90 services and recommends that the FCC implement those changes expeditiously.

I. INTRODUCTION

AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association’s members include trunked and conventional 800 MHz and 900 MHz Specialized Mobile Radio (“SMR”) operators, and commercial licensees in the 150-174 MHz, 220 MHz and 450-512 MHz bands. Many of AMTA’s members are telecommunications providers with substantial experience in the wireless service whose rules are under consideration in this proceeding. Accordingly, AMTA has a significant interest in its outcome.

II. THE RULE CHANGES PROPOSED FOR PARTS 22 AND 90 SHOULD BE ADOPTED.

¹ WT Docket No. 03-264, *Notice of Proposed Rulemaking*, FCC 03-334 (rel. Jan. 7, 2004) (“NPR”).

The Commission is required to review regulations applicable to telecommunications carriers biannually and to make a determination whether retention of each rule continues to be necessary to promote the public interest in light of increasing marketplace competition.² This statutory obligation has prompted the Commission to assume a more proactive role in considering the necessity of decades worth of regulatory accumulation. The result has been a meaningful pruning of what sometimes has been dense regulatory underbrush. The instant proceeding promises further improvements in this ongoing process.

A. Part 22 Proposal

The *NPR* notes that during its last biennial review proceeding, CTIA and the Rural Cellular Association recommended that the FCC eliminate the requirement in FCC Rule Section 22.303 that the station call sign be identified on or near each transmitting facility other than mobile transmitters. *NPR* at ¶ 12. The commenters noted and the FCC tentatively has concurred that this obligation is not consistent with the requirements in other wireless services and provides no specific benefit to the public.

AMTA agrees. The requirement for posting a call sign at each transmitter location is a vestige of a time when systems typically were licensed on a site-specific and frequency-specific basis wherein each location had a unique call sign. It also is reflective of the pre-ULS world in which it often was difficult, sometimes impossible, to identify which licensee operated on which frequency within a given geographic area.

Now, a significant number of wireless systems, including Part 22 systems, are licensed on a geographic basis with a single call sign covering the entire authorization. Individual transmitters typically may be located anywhere within the geographic area with no requirement for individual operating authority and may transmit on any or all of the authorized channels.

² 47 U.S.C. § 161.

There no longer is a direct correlation between a particular call sign and the operating parameters of the station. Moreover, to the extent the call sign posting requirement was intended to permit FCC personnel and the public generally to identify the entity responsible for the operation of the facility, the same information now can be located quickly and easily by researching the ULS. As there is no obvious public interest benefit to retaining this requirement, and its retention imposes an obligation on Part 22 licensees that is not shared by most competitive wireless systems, the rule should be eliminated.

B. Part 90 Requirements

1) Frequency Coordination Requirement. Although it is itself a designated frequency advisory committee, AMTA concurs that the FCC can and should eliminate the frequency coordination requirement for incumbent licensees operating on 800 MHz General Category frequencies on a non-shared basis when they propose to license new or modified facilities that are entirely within the interference contour of the existing authorization. *NPR* at ¶ 19. This change was proposed by CTIA, which noted that these channels, like the “upper 200” and “lower 80” 800 MHz Specialized Mobile Radio (“SMR”) spectrum, now support “overlay” geographic licenses awarded by auction. Licensees in the “upper 200” and “lower 80” bands are permitted to file for new or modified facilities without frequency coordination upon a showing that the proposed location falls entirely within the interference contour of the existing authorization and, therefore, cannot have an adverse impact on any other licensee.³ There is no apparent reason for the disparate treatment of these otherwise similarly regulated bands and no known public benefit from requiring coordination under those circumstances. AMTA recommends that Section 90.175(i) be modified to eliminate the frequency coordination for General Category frequencies under the circumstances described herein.

2) 800 MHz and 900 MHz Regulations. The *NPR* proposes to eliminate or modify a number of rules applicable to systems operating in the Part 90 800 MHz and 900 MHz bands. As detailed herein, AMTA agrees that the provisions under consideration warrant elimination or revision. Specifically, the Association concurs that deletion of Section 90.607(a), which describes supplemental information that supposedly is required to be submitted by applicants for 800 MHz and 900 MHz SMR systems, is long overdue. In practice, this information has not been required for more than two decades. Numerous other rule provisions ensure that SMR licensees will deploy systems that are consistent with the FCC's requirements and that the systems will be used by eligible entities. This regulation has not been enforced in recent years and should be formally eliminated.

AMTA also agrees that the FCC should eliminate Section 90.631(d), which addresses the loading requirement to justify additional channels for SMR systems in "rural" areas. As indicated in the *NPR*, the concept of "rural" areas arose only in the context of SMR waiting lists the FCC used to maintain for the orderly assignment of recovered channels. Since waiting lists were eliminated when the FCC adopted geographic licenses and spectrum auctions for the SMR service, there is no reason to retain any reference to them in the rules or to preserve this particular provision. Similarly, Section 90.631(i) is no longer necessary since the 900 MHz SMR renewal period it references has long passed.

The Association also supports the recommendation to eliminate the distinction between "urban" and "suburban" systems in the Section 90.635 power/antenna height limitations for 800 MHz and 900 MHz systems. Several decades of experience have confirmed that there is no bright line distinction between the operational requirements of systems in these two areas. Indeed, "suburban" facilities arguably could require greater power since they might need to

³ 47 C.F.R. § 90.693.

cover larger geographic areas than their urban counterparts. This rule is not needed to protect against inter-system interference in these bands and has not proven reflective of the real world operational requirements of operators. AMTA recommends that this provision be modified to retain a single power/antenna height limitation table for all trunked and conventional 800 MHz and 900 MHz systems using the current “urban” standards, and that power limitations on systems with operational radii of less than 32 kilometers be eliminated as well. As noted in the *NPR*, since Section 90.621(b)(4) requires applicants to protect all incumbent systems as though operating at the maximum 1000 watts ERP,⁴ there is no spectrum utilization or other benefit to an artificial restriction on the power level of campus-type systems.

Section 90.653 also has become obsolete and should be eliminated. The rule states that the FCC will not limit the number of systems authorized to operate in a given area, except as required by allocation limitations. In fact, the FCC has modified its entire licensing scheme for this band, substituting geographic authorizations issued by auction for the previous site-specific licenses issued on a first-come, first-served basis. This provision no longer has any substantive meaning and should be deleted. The same is true for Section 90.658, which calls for the submission of loading information with SMR applications for additional channels and license renewal. The FCC eliminated the loading requirement for SMR systems more than a decade ago. This provision is no longer necessary.

Finally, AMTA agrees that there is no public interest benefit in retaining Section 90.737. That rule calls for supplemental progress reports to be filed by 220 MHz Phase I licensees to prevent trafficking in unconstructed stations. It is no longer necessary since the Phase I licensees have reported their construction status to the FCC and future 220 MHz licenses will be awarded by auction, not lottery.

⁴ 47 C.F.R. § 90.621(b)(4).

III. CONCLUSION

The Commission's ongoing effort to streamline and reconcile the rules governing the wireless services is laudable and produces tangible public interest benefits. The Association is pleased to assist the FCC in this endeavor and looks forward to participating in future proceedings that will further this goal.

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS
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