

radiation values, and the retrieved soil conductivity data, the distance to the city grade (5 mV/m) contour was predicted for each of the 72 radials. The resulting distance to city grade contours were used to form a geographical polygon. Population counting was accomplished by determining which 2000 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted city grade coverage area.

FM Stations

The maximum of the horizontal and vertical HAAT (m) and ERP (kW) was used. Where the antenna HAMS was available, it was used in lieu of the overall HAAT figure to calculate specific HAAT figures for each of 72 radials under study. Any available directional pattern information was applied as well, to produce a radial-specific ERP figure. The HAAT and ERP figures were used in conjunction with the propagation curves specified in section 73.313 of the Commission's rules to predict the distance to the city grade (70 dBuV/m or 3.17 mV/m) contour for each of the 72 radials.²¹² The resulting distance to city grade contours were used to form a geographical polygon. Population counting was accomplished by determining which 2000 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted city grade coverage area.

Attachment F

Parties Filing Comments on the Notice of Proposed Rulemaking

Amateur Radio Vanity Call Signs

Charles P. Adkins
Daniel J. Berry
Robert Bingham
James Bridge
Tad Burik
Marc Colton
Kenneth Cooperstein
James Cour
Ralph D'Andrea
William J. Edwards
Paul M. Farrar
Dean K. Gibson
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Steven Karty
Allan Kruger
Victor M. Magana
Doran S. Platt, III
Thomas Powell
Dennis G. Sarver
James B. Stafford
Jon Tandy
Frank A. Todd, IV
Jay Urish
Ira A. Wilner
American Mobile Telecommunications Association, Inc. ("AMTA")
Arch Wireless; Allied National Paging Association; American Association of Paging Carriers; Metrocall Holdings, Inc.; and WebLink Wireless I, L.P. ("Joint Commenters")

Bennet & Bennet, PLLC on Behalf of its LMDS Clients ("Bennet & Bennet")
Blooston, Mordkofsky, Dickens, Duffy & Prendergast ("BMDDP")
Helen Graham
Industrial Telecommunications Association, Inc. ("ITA")
Sky Television ("WSKY-TV")
Verizon, Inc. ("Verizon")

Parties Filing Reply Comments

Blooston, Mordkofsky, Dickens, Duffy & Prendergast ("BMDDP")
Kenneth J. Brown
Martin Group on Behalf of its LMDS Clients

Parties Filing a Notice of Oral Ex Parte Presentation

Arch Wireless, Inc.
Weblink Wireless I, L.P.
Metrocall Holdings, Inc.
American Association of Paging Carriers
Filed by Wilkinson, Barker, Knauer, LLP

Concurring Statement of Commissioner Michael Copps

Re: Assessment and Collection of Regulatory Fees for Fiscal Year 2003

I respectfully concur in today's decision. I am concerned that the Commission still does not address when or how it should adjust the regulatory fees to take into account changes to the cost of regulating various services.

In section 9 of the Communications Act, Congress directed the Commission to assess and collect regulatory fees. Congress further provided that the Commission shall develop accounting systems that allow it to modify the fee schedule to ensure that the fees are reasonably related to the benefits provided to the payor by the Commission's activities.

This year, as in past years, the Commission merely relies on across-the-board proportionate increases from the previous year's schedule of fees. I am encouraged that the Commission intends to address certain problems with this methodology by committing to initiate a proceeding to consider the fee structure governing LMDS and other wireless services. I urge the Commission to undertake a more comprehensive review of its methodology to ensure that we comply fully with the requirements of section 9.

Concurring Statement of Commissioner Jonathan Adelstein

Re: Assessment and Collection of Regulatory Fees for Fiscal Year 2003; MD Docket No. 03-83

I can only concur with the Commission's decision to collect regulatory fees for fiscal year 2003 because I disagree with the methodology used to determine the actual fees assessed in this item.

Section 9 of the Communications Act requires the Commission to assess and collect regulatory fees to recover the costs of regulatory activities performed by the Commission. It further requires that assessed fees be derived by determining the full-time equivalent number of employees (FTEs) performing these regulatory activities. Finally, while the Commission is able to make permitted amendments to the original Schedule of Regulatory Fees, Section 9(i)

requires the Commission to do so based on an accounting system necessary to make the adjustments, which are authorized by subsection 9(b)(3).

I am concerned that the Commission's approach to regulatory fees does not truly recover the costs for regulatory activities on a service by service basis. We essentially rely on repeated proportionate increases of the preceding year's schedule, adjusted to reflect increases or decreases in payment units. While the statute does specifically contemplate a proportionate increase, subsection 9(b)(1)(3) also requires the Commission to amend the Schedule of Regulatory Fees if it determines that the schedule requires amendment to comply with the requirement to assess fees by determining the FTEs performing these regulatory activities.

While I understand the Commission has been considering a new cost-based accounting system for some time, it is unclear if that system will enable us to better comply with Section 9 of the Act. It is my hope that a new cost-based accounting system would more readily react to changes that have increased or decreased our regulatory activities on a service by service basis so that the appropriate costs are passed along to the proper services from year to year. I strongly encourage the Commission to take such steps over the upcoming year.

Commercial Mobile Radio Service (CMRS) Messaging. I am pleased that through the policy of permitted amendments we have made the decision to not increase the regulatory fee for the CMRS messaging industry. However, I disagree with the specific rationale for reducing the fee. I believe that the fee should have been maintained or reduced based on the level of regulatory activities expended by Commission FTEs not on the economic status of the industry, as this item does.

Indeed, many of our regulatees have suffered through difficult financial circumstances through the last several years. While the CMRS messaging industry may have suffered disproportionately, I would have preferred that we first assess the level of regulatory activity associated with the industry before making any adjustment based on an ostensible public interest determination. A cost-based accounting system may have permitted us to lower the CMRS messaging regulatory fee without even addressing the financial health of the messaging industry. Similarly, in the future, such a system may eliminate the disparities that result from automatic increases for all services based on a previous year's regulatory fee schedule, which we properly corrected here.

Classification of Local Multipoint Distribution Service (LMDS). Finally, I want to highlight my significant concern with that portion of the item in which the Commission concludes that LMDS warrants a separate fee category from microwave and assesses LMDS licensees a fee of \$265 per license. As previously stated, I believe that in assessing regulatory fees, we should first look at the number of FTEs performing the regulatory activities associated with that service, which was not done here.

²¹² 47 CFR 73.313.