

Separate Statement
of
Commissioner James H. Quello

Re: Notice of Proposed Rulemaking Amending Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services.

I am releasing this statement solely to draw attention to the issue of loading requirements. The Notice places emphasis on the proposal to have no loading requirements. The rationale for the "no loading requirement" proposal is based on the assumption that the marketplace will assure that spectrum is used and used efficiently.

In the past, where similar marketplace conditions were functioning, the Commission imposed loading requirements to assure that spectrum was not warehoused or use inefficiently. (See, Second Report and Order, Docket 18262, 46 FCC 2d 752 (1974); Second Report and Order, Docket 79-191, 90 FCC 2d 1281 (1982); Memorandum Opinion and Order, Docket 79-191, 95 FCC 2d 477 (1983); Report and Order, Docket 86-404, 3 FCC Rcd No. 7 1838 (1988)).

Loading requirements proved very useful as demonstrated by the successful channel recovery program where over 2000 channels were recovered in the 800 MHz band. I am concerned that if left unchecked, relying solely on the marketplace will result in inefficient use of spectrum. Therefore, I am interested in having commenters address the need for loading requirements.