



[17,667,660 articles and books](#)

[The Free Library](#) > [Business and Industry](#) > [Business](#) > [PR Newswire](#) > [January 17, 1996](#)

[The Free Library](#) > [Communications](#) > [News, opinion and commentary](#) > [PR Newswire](#) > [January 17, 1996](#)

USIMTA TAKES AIM AT FEDERAL COURT DECISION TO DENY WIRELESS CABLE COMPETITION

WASHINGTON, Jan. 17 /PRNewswire/ -- The United States Interactive & Microwave Television Association ("USIMTA") on Friday, Jan. 12 criticized the federal court system for failing to reverse actions by the [Federal Communications Commission](#) ("FCC") which severely handicapped individual entrepreneurs and then denied thousands of applications filed by individual U.S. citizens to acquire licenses to provide Multi-Channel Multi-Point Distribution Service ("[MMDS](#)"), or, as it is commonly called, "wireless cable television."

"It is indeed unfortunate," said Lynnea Bylund, USIMTA's president, "that a public agency could -- with court approval -- take actions that prevented individual citizens from sharing in the bonanza of new interactive video services and technologies. In effect, the federal government has now reserved the ownership and profits of these new technologies for large companies who already dominate the communications landscape and have no need for government assistance. The FCC," Ms. Bylund added, "said its actions were necessary to prevent harmful speculation, but the net result of its actions has already fostered even greater speculation by those mega-companies."

MMDS is a wireless (microwave) technology which competes primarily with traditional franchised cable TV and direct broadcast satellites ([DBS](#)). Both the Congress and the FCC are on record as favoring wireless/MMDS competition to franchised cable. However, these companion FCC and court actions, coupled with other FCC wireless cable rules and policies have significantly delayed implementation of such competing wireless cable service. Such FCC actions, if not corrected will also potentially deny cable-like service to millions of American households.

On December 26, 1995, the [United States Court of Appeals](#) for the [District of Columbia](#) Circuit issued an opinion rejecting an appeal by thousands of individual citizens who had protested the FCC's dismissal of their MMDS applications. The citizens pointed out that the FCC had relied principally on a 1988 Public Notice that was not -- contrary to applicable law -- published in the Federal Register and available for public comment.

The FCC's denial of the citizens' appeal was compounded by the same court's earlier refusal to hear USIMTA's appeal on the so-called "one day filing rule" -- a rule adopted in October 1990 which basically provided a one-day window for individual parties to file MMDS applications for a particular area. If an application was not filed on the same day, the first-filed application could be awarded the license without any competition. "USIMTA had appealed the one-day rule in January 1991 to insure that every citizen had a reasonable opportunity to file a competing application and be considered in a reasonable time frame," Ms. Bylund explained, "but the FCC was able to convince the court to postpone USIMTA's appeal while the FCC considered a petition for reconsideration dealing with other issues." Ms. Bylund said that the denial of the thousands of citizen-filed MMDS applications rendered the one-day rule appeal moot and that USIMTA therefore had no choice, as a practical matter, but to request dismissal of its appeal.

Ms. Bylund pointed out that the FCC and court actions were completely at odds with telecommunications

deregulatory legislation moving through Congress. "It certainly is ironic," said Ms. Bylund "that Congress should be pursuing new laws to maximize opportunities without the restraints of FCC regulation. That very regulation has now stifled at birth opportunities for every-day citizens to form new businesses and provide new competition in emerging wireless services around the country. Competition in MMDS will now be largely confined to a few large companies -- like the Regional Bell Operating Companies -- who are most expert at suppressing competition. If Congress wants true reform," exclaimed Ms. Bylund, "it must simplify filing procedures and prohibit the FCC from turning away citizens and other small entrepreneurs on the basis of minor technicalities, industry politics and manipulation by special interests."

USIMTA was founded in 1990 to represent newcomers to wireless cable and interactive TV, whose business and political interests were not adequately represented in Washington. USIMTA's 3,000+ members worldwide include license applicants, system operators, licensees, consulting engineers and equipment vendors. For more information on USIMTA, contact Lynnea Bylund at 714-499-4469.

- 0 -

1/17/96

/CONTACT: Lynnea Bylund of USIMTA, 714-499-4469/

CO: United States Interactive & Microwave Television Association ST: California IN: TLS SU:

EQ-BB -- LAW044 -- 1384 01/17/96 14:31 EST

COPYRIGHT 1996 PR Newswire Association LLC

No portion of this article can be reproduced without the express written permission from the copyright holder.

Copyright 1996 Gale, Cengage Learning. All rights reserved.