

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 22.367(a)(4) ) RM-9387  
of the FCC's Rules )

MEMORANDUM OPINION AND ORDER

Adopted: February 29, 2000

Released: March 1, 2000

By the Deputy Chief, Wireless Telecommunications Bureau:

In this Memorandum Opinion and Order we deny the petition for rulemaking filed by Andrew Corporation ("Andrew") requesting that the Commission initiate a rule making to amend Part 22 of the Commission's rules.

Andrew's petition was filed in September 1998 and was assigned a rule making number and listed on a routine public notice.<sup>1</sup> A few comment and reply pleadings were subsequently filed.<sup>2</sup> In the petition, Andrew requests that the Commission amend paragraph (a)(4) of Section 22.367 of the Commission's Rules. This particular paragraph provides that electromagnetic waves radiated by base, mobile and auxiliary test transmitters in the Cellular Radiotelephone Service must be vertically polarized. Andrew requests that we eliminate the requirement that cellular base stations radiate only vertically polarized radio waves. Andrew explains that adoption of its proposed rule change would make the use of a certain type of cellular base station antenna more economical by reducing the number of component radiators and/or the need for additional associated equipment.

Although it appears that there may be some merit to Andrew's request, we find that the public interest would be better served by our considering this matter along with other potential Part 22 amendments in connection with our forthcoming Year 2000 Biennial Review of Regulations.

Accordingly, IT IS ORDERED, pursuant to Section 1.407 of the Commission's rules, 47 C.F.R. Section 1.407, that the petition for rulemaking filed by Andrew Corporation is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

James D. Schlichting  
Deputy Chief, Wireless Telecommunications Bureau

<sup>1</sup> Andrew Corporation, Petition for Rule Making, filed September 18, 1998 (RM-9387). Placed on Public Notice, November 3, 1998 (Report No. 2304).

<sup>2</sup> Supporting comments were filed by Airtouch Communications, Inc., GTE Service Corporation and its designated affiliated companies. No opposing comments were filed. Supporting reply comments were filed by Bell Atlantic Mobile, Inc.