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October 16, 2018

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***Filed Electronically Via ECFS***

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554

***Re: Notice of Ex Parte Meeting  
WP Docket No. 16-261  
WP Docket No. 15-32  
RM-11719  
RM-11722***

Dear Ms. Dortch:

On Thursday, October 11, 2018, representatives of The Monitoring Association and the related Alarm Industry Communications Committee ("AICC")(collectively "TMA"), including Louis Fiore, AICC Chairman and John Prendergast of the law firm of Blooston Mordkofsky Dickens Duffy & Prendergast, LLP, met via teleconference with Umair Javed of Commissioner Rosenworcel's staff; and John Prendergast met with Zenji Nakazawa of Chairman Pai's staff. On October 15, 2018, Bill Signer of the Carmen Group and John Prendergast met with Erin McGrath of Commissioner O'Rielly's staff via teleconference; and on October 16, 2018, Bill Signer and John Prendergast met with Will Adams of Commissioner Carr's staff.<sup>1</sup> During these meetings, the parties discussed the draft order circulated last week in the above-referenced proceedings ("Draft Order").

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<sup>1</sup> While the ex parte report for the October 11 meeting would have normally been due on Monday, October 15, 2018, the Commission was closed on that day due to a fire. Therefore, this report is being filed on the next business day.

In 1968, the Commission allocated two small groups of narrow channels for central station alarm use: The Notice of Proposed Rulemaking (NPRM) in this proceeding proposed making only a subset of the central station channels (i.e., those set aside for alarm radio operations in “urbanized areas”) available for use by non-central station entities. The draft order proposes to make ALL central station channels, Urbanized and Nationwide channels, high power voice and low power signaling, available for application by non-central station applicants. TMA is concerned whether the draft order exceeds the scope of the NPRM, and whether it ignores the record developed in this proceeding (as discussed in greater detail further below). In particular, while TMA agrees that the Urbanized high power voice channels (known as the “primaries”) have been underutilized as technology has shifted and certain restrictions on data operations on these frequencies prevented alarm companies from using them for necessary applications, the same is not true of the handful of low power central station channels (known as the “non-primary” or “offset” channels) that comprise Group D of the Low Power Pool pursuant to Rule Section 90.267. TMA submitted a showing that the offsets are heavily used, and that in several markets these channels are either fully assigned or close to it. TMA then reached a consensus plan with the Land Mobile Communications Council (LMCC), which includes every Commission-appointed frequency coordinator representing all elements of the Private Land Mobile community. The consensus plan would have made the central station primaries available with appropriate safeguards, and would have preserved the current restrictions on use of the central station offsets.

Despite TMA’s showing and successful negotiation of an industry consensus, the Draft Order proposes to make all of the low power central station channels available for application by non-central station entities. In particular, footnote 197 states: “We extend this approach to both the primary and non-primary [central station] channels. We expect few if any requests for the non-primary channels, however, given that they already are heavily used for central station operations and there is no shortage of other low-power channels for which applicants will not need The Monitoring Association’s concurrence. See CSAA Comments at 8-9.” TMA appreciates that it will have a concurrence right under the Commission’s proposed plan. However, because it appears that TMA can only refuse concurrence in limited circumstances, this right would not prevent depletion of the low power channels that are vital for sending signals reporting fires, home invasions, dangerous carbon monoxide levels and other medical emergencies. TMA foresees several problems raised by the proposed outcome as it pertains to the offsets, and finds that there are many considerations militating against changing the Group D rules in Section 90.267:

1. There were no demands by commenters in this proceeding to make the low power offsets available. The focus has been entirely on access to the central station high power voice channels, which is why TMA was able to reach a consensus with LMCC that was acceptable to all PLMRS groups. The consensus plan would have protected the offsets while making high power primaries available to others.
2. Central station offsets are heavily used by alarm industry, as TMA demonstrated, and the Commission (in footnote 197 of the Draft Order) recognizes. Therefore, the

underutilization rationale at the heart of the NPRM does not apply to the offsets. Thus, making the offsets available to others for non-safety communications would be at odds with the record in this proceeding.

3. The allocation of frequencies for central station use was made based on the public interest of facilitating safety considerations, and AICC has shown that this public interest remains true today. While several industries can end up sending safety-related messages if certain circumstances arise outside of their normal operating mode, every message sent over the central station offsets (other than system maintenance reports) concerns a potential emergency endangering life and property. Nothing in the record refutes this vital safety-related consideration.
4. The central station low power allocation is a mere five 12.5 kHz channel pairs (ten individual frequencies) and interleaved 6 kHz channels (for which technology is not yet developed and the Commission has not yet implemented as part of the narrowbanding initiative). It will not take many applications to exhaust usable offsets in several markets, as shown in TMA's Comments in this proceeding.
5. Loss of offset channels to non-safety operations would happen during a process of increased need by alarm industry due to two factors cited in the record, of which the Commission can take official notice: Retirement of copper and 2G cellular. It is proving difficult for alarm service providers to simply transition to the next cellular technology, since it is changing so fast that alarm radios (which typically last 10+ years) can't keep up.
6. Use of the offsets by non-central stations could result in voice operations on these channels, since voice is allowed for the other Low Power Pool groups. As requested by the NPRM, TMA submitted an engineering analysis by Owais Hassan, P.E., showing voice would be incompatible with and cause interference to alarm signals, possibly delaying the transmission of signals reporting fires and other emergencies by several minutes, which can be deadly. TMA was the only commenter to submit an engineering study as requested by the NPRM, and this showing was not refuted. One voice operation could pollute the offset channel for alarm use over an entire region. TMA is also concerned because the Group D low power rules are customized to accommodate alarm operations, and ensure that alarm signals are successfully transmitted to the central station, but operation of non-alarm systems (especially voice) under these rules may cause even more disruption to central station signaling.

#### POSSIBLE SOLUTIONS:

1. The alarm industry can support the Commission's proposal to make all high power central station voice channels (i.e., the primary channels) available to others (with TMA retaining concurrence rights) if the Commission will refrain from making the central station low power channels available for non-central station use (i.e., it will retain the current rules for Group D Low Power Pool central station alarm channels). This action

would be appropriate because the low power offsets are used on a widespread basis to send safety of life messages, which messages are screened by the central station and forwarded to the Public Safety Answering Point (PSAP) to trigger the appropriate emergency response. Retaining the current Group D rules would be the simplest and best solution. The one proposed revision to Rule Section 90.267(f) in the Draft Order which is necessary and appropriate to protect alarm signaling when high powered voice operations are on the adjacent primary channels is the following sentence: "Central station alarm signaling on these frequencies are co-primary with regard to co-channel or adjacent channel base, mobile or data operations." This protection is also consistent with the Consensus Plan agreed to by LMCC.

2. Another solution would be to clarify in Rule Section 90.267 that availability of low power channels in other Low Power Pool groups is adequate justification for TMA to turn down a coordination concurrence request to use a central station offset. This provision would implement the premise of footnote 197.
3. Another mitigation approach would be to indicate in 90.267 that non-central station companies that apply for central station offset rule must abide by the 20 ft. Above Ground Level and 2 watt ERP rules that apply to most Low Power Pool frequencies.

Consistent with section 1.1206 of the Commission's rules, 47 C.F.R. §1.1206, one copy of this notice is being filed electronically and in native format in the above-captioned proceeding. Please direct any questions concerning the above matter to the undersigned at (202) 828-5540.

Sincerely,

/s/

John A. Prendergast

cc: Ajit Pai, Chairman – FCC  
Rachael Bender, FCC  
Zenji Nakazawa, FCC  
Jessica Rosenworcel, Commissioner – FCC  
Umair Javed, FCC  
Michael O’Rielly, Commissioner – FCC  
Erin McGrath, FCC  
Brendan Carr, Commissioner – FCC  
Will Adams, FCC  
Roger Noel, WTB – FCC  
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