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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Parts 2 and 90 of)
the Commission's Rules To Permit)
Increased Use of Frequencies in)
the 156-162 MHz Bands By)
Industrial and Land Transportation)
Private Land Mobile)
Radio Services)

RM - 7956

To: The Commission

COMMENTS OF
UTILITIES TELECOMMUNICATIONS COUNCIL

Utilities Telecommunications Council (UTC), pursuant to Section 1.405 of the Federal Communications Commission's (FCC) rules, submits its comments in response to the above-referenced Petition for Rulemaking filed by the Council of Independent Communication Suppliers (CICS). The CICS petition requests amendment of Parts 2 and 90 of the FCC's rules to allow operation by Industrial and Land Transportation eligibles on new primary offset channels within the 156-162 MHz band in spectrum currently allocated for maritime operations in Part 80 of the FCC's rules.

Industrial and Land Transportation use currently is permitted in the 156-162 MHz band on non-maritime frequencies. However, these frequencies are very congested in inland areas. The CICS petition to create new primary channels from offset maritime frequencies seeks to reduce that congestion. Under the

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CICS proposal, existing maritime radio users would be protected from interference by operations on the offset frequencies by use of (1) a 50-mile separation between any existing land station in the maritime services and an industrial or land transportation station operating on an adjacent, 12.5 kHz offset frequency; and (2) a 50-watt power limitation.

The CICS petition provides for frequency coordination for use of the offset frequencies. In addition, CICS proposes that the Special Industrial Radio Service Association, Inc. (SIRSA) take responsibility for coordinating the new offset channels.

UTC supports the CICS proposal to create new primary channels on the offset maritime frequencies listed in the petition. The frequencies are to be offset from both existing duplex frequency pairs allocated in Section 80.371 for maritime public correspondence and simplex frequencies designated in Section 80.373 for port operations. The proposal allows more efficient use of radio spectrum and is a simple method to alleviate a degree of spectrum congestion. The frequency allocations to be offset blanket the nation, but use of the frequencies is not consistent in every region of the country, since maritime activity and corresponding use of the frequencies in question center around those parts of the country which border a waterway or ocean. Moreover, the creation of offset frequencies with the stated protections will not lessen or

interfere with the use of maritime frequencies. Such increased usage of existing spectrum is consistent with the FCC's movement toward reworking existing allocations to provide more beneficial use of the spectrum, as illustrated by the FCC's Notice of Inquiry regarding spectrum efficiency in the private land mobile radio bands below 470 MHz.^{1/} The CICS proposal should be considered outside of the FCC's Spectrum Refarming inquiry, however, because the proposed changes in the 156-162 MHz band create additional channels from existing allocations, and do not involve reallocation of spectrum or introduction of new technologies or policies, as is considered in the Notice of Inquiry.

UTC agrees that effective licensing of the new offset channels will require competent frequency coordination. However, UTC opposes the request of CICS to name SIRSA as the exclusive frequency coordinator for the channels. Instead, UTC requests that competitive coordination be used, enabling frequency coordination to be obtained from a number of sources. There is no compelling need to name only one frequency coordinator for the new offset frequencies. In addition, UTC supports exclusive assignments for the new offset frequencies. Exclusive

^{1/} Notice of Inquiry, FCC 91-187, 6 FCC Rcd 4126 (1991).

assignments would be beneficial to help ensure that interference does not occur to existing maritime licensees or, if interference does occur, that it can be quickly traced and remedied.

UTC supports the creation of new primary offset frequencies in the 156-162 MHz band from maritime frequencies for use by Industrial and Land Transportation eligibles. The new offset channels should be licensed on an exclusive basis, and frequency coordination for the channels should be available on a competitive basis from a number of frequency coordinators.

WHEREFORE, THE PREMISES CONSIDERED, UTC requests the Federal Communications Commission to issue a Notice of Proposed Rulemaking in accordance with the views expressed herein.

Respectfully submitted,

UTILITIES TELECOMMUNICATIONS
COUNCIL

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Certificate of Service

I, Nancy Thompson, a secretary with the Utilities Telecommunications Council, hereby certify that I have this 1st day of May sent via First Class U.S. Mail, postage prepaid, or as otherwise noted, copies of the "Comments of Utilities Communications Council" to the following:

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