



OFFICE OF THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 20, 1992

Docket's  
222

90-314  
92-9

EX PARTE OR LATE FILED

Honorable Ernest F. Hollings  
Chairman  
Committee on Commerce,  
Science and Transportation  
United States Senate  
254 Russell Senate Office Building  
Washington, DC 20510

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FEDERAL COMMUNICATIONS  
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Dear Chairman Hollings:

Thank you for your April 6 letter on the Commission's proposal to reallocate spectrum in the area of 2 gigahertz (GHz) for emerging technologies. This "emerging technologies" proposal is one of the Commission's most important efforts. We would like to take this opportunity to respond to concerns that reallocation of 2 GHz spectrum might disrupt the communications of railroads and electric utilities.

The Commission is sensitive to the concerns raised by incumbent users of the 2 GHz band, and we are taking actions to ensure that the concerns of these users are fully addressed and understood. Last month, the Chairman directed the Chief of Staff to assemble a team of senior Commission staff and convene meetings with incumbent users of the 2 GHz band to further explain the Commission's proposals and explore ways to resolve the issues raised by these users. Three of these meetings already have been held, including one with proponents of emerging technologies. All three meetings were attended by interested Senate staff.

Additionally, in recognition of the importance of public safety services, these users were granted indefinite co-primary status with respect to their existing systems; we also will allow modifications to existing systems by public safety as well as other incumbent licensees. We will continue to be sensitive to public safety concerns in authorizing any emerging technologies in this band. Finally, in order to permit the fullest possible public comment on the issues raised by the emerging technologies band proposal, we recently extended the comment cycle in the proceeding by 45 days. June 5 is the initial comment deadline, and July 6 is the deadline for reply comments. We look forward to the comments filed in the proceeding, and will welcome particularly any additional proposals that might accommodate the competing demands for this important spectrum. Specifically, further notices of proposed rulemaking will be issued where necessary to address significant technical or operational issues raised in this docket or by authorized PCS experiments.

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The Commission also is aggressively working to improve access to alternative spectrum for incumbent users in four ways. First, our staff is continuing its work on the 4 and 6 GHz bands. These studies analyze the technical characteristics of existing services and available capacity in these bands. Some of this work was included in a staff report released this past February. We would consider taking further action as necessary to facilitate incumbent users' migration to those bands. Second, we are working with the Commerce Department to gain access for private use of spectrum in the 1710 -- 1850 MHz area that is currently reserved exclusively for Government use. We would welcome the opportunity to work with Congress on this issue through oversight or spectrum legislation. Third, the Commission has proposed to facilitate incumbent users' relocation to new spectrum by waiving application rules so that these users could have immediate, preferred access to alternative spectrum. Technical rules would be developed as necessary to facilitate this relocation. Finally, the Commission has proposed to permit existing users of the 2 GHz band to voluntarily relocate to other frequency bands after negotiations with new users. The terms of any voluntary relocation would likely include, at a minimum, payment by the new users of the costs of that relocation.

The United States is facing a severe spectrum shortage. There is not enough spectrum to satisfy demands for new services, so the primary issue before the Commission is finding ways to strike a balance that will accommodate new technologies while ensuring that existing users can maintain and enhance the quality of their present operations.

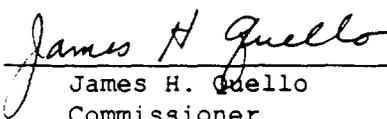
The 2 GHz spectrum band has become the focus of the Commission's efforts to provide spectrum for emerging technologies for a number of reasons. Advances in communications technology make this band particularly well suited for mobile communications services, including "personal communications services" (PCS) that are the focus of intense interest in the United States and abroad. Many other countries are considering using this spectrum in a similar manner. For example, Japan has allocated 100 megahertz (MHz) and is considering an additional 400 MHz in this range for new mobile services and emerging technologies. The United Kingdom has allocated 174 MHz, and the European Community is considering the allocation of up to 320 MHz for similar purposes. The recent World Administrative Radio Conference also stated that spectrum in the 2 GHz range will be used in many areas of the world to implement future terrestrial and satellite mobile communications systems.

Finally, this band, which is used principally by fixed services like railroad and utility companies, is not as intensely used as lower frequency bands. These fixed services can be licensed in other bands while providing comparable or better reliability and efficiency than their current allocation. Conversely, mobile services and new technologies will be difficult to locate elsewhere with comparable technical efficiency or underlying technical potential.

One of the Commission's most important goals in this proceeding is to accommodate the legitimate needs of the current users of the 2 GHz spectrum while providing for new technologies. We will continue to work closely with existing users of the 2 GHz spectrum, and all parties in this proceeding, to achieve those goals.

Sincerely,

  
\_\_\_\_\_  
Alfred C. Sikes  
Chairman

  
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James H. Quello  
Commissioner

  
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Sherrie P. Marshall  
Commissioner

  
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Andrew C. Barrett  
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ERNEST F. HOLLINGS, SOUTH CAROLINA, CHAIRMAN

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# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
 AND TRANSPORTATION

WASHINGTON, DC 20510-8125

April 6, 1992

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KEVIN G. CURTIN, CHIEF COUNSEL AND STAFF DIRECTOR  
 WALTER B. MCCORMACK, JR., MINORITY CHIEF COUNSEL AND STAFF DIRECTOR

The Honorable Alfred C. Sikes  
 Chairman  
 Federal Communications Commission  
 1919 M Street, N.W.  
 Washington, DC 20554

Dear Mr. Chairman:

I am writing to express my strong concern about the potential disruption to safe and reliable rail transportation and electrical power services as a result of the proposal of the Federal Communications Commission (FCC) to reallocate the private microwave spectrum currently used by railroads, electric cooperatives, and others to accommodate new technologies.

The nation's railroads have relied for decades on their own microwave communications networks for transmitting vital train control information, providing voice capability between dispatchers and train personnel, and remotely monitoring equipment detectors strategically located throughout the rail network. These microwave links are critical for the safe and efficient operation of trains and are essential components of centralized dispatching and train control systems.

Similarly, the electric cooperatives require dependable, microwave communications networks for the operation and control of their power systems. Without completely reliable microwave frequencies, electric companies face the possibility of power outages, waste and tremendous cost.

The FCC's proposal to reallocate the frequencies of the railroads, electric utilities and other private microwave users raises very serious questions relating to disruption of service and degradation of safety and reliability. I am concerned that, in its rush to promote a new technology, the FCC has not considered fully the needs expressed by the existing users of the spectrum.

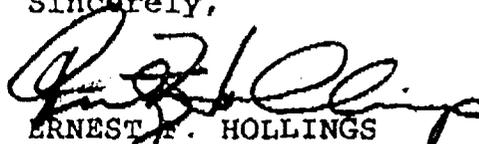
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Unless the FCC finds a way to accommodate the legitimate needs of the current users of this spectrum, such as by expanding the use of or reallocating federal spectrum, I am prepared to offer legislation that will prevent impairment of the safety and reliability of the important services provided by the railroads and electric utilities. Because of the critical public interest in the safe and reliable provision of these essential services that are supported and controlled by private microwave systems, the FCC should not take any steps that will result in the disruption or impairment of these vital communications networks.

Because of the urgency of this situation, I request that you respond to this letter by Thursday, April 16, 1992, as to how you intend to accommodate the needs of the railroads and electric utilities in this proceeding.

With kindest regards, I am

Sincerely,



ERNEST F. HOLLINGS  
Chairman