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AUG 12 1992

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Sections 90.621(c))
and (d) of the Commission's Rules)
and Regulations Concerning)
Separations Between 800 and)
900 MHz Land Mobile Radio)
Systems in the Business and)
General Category Radio)
Service Pools)

RM - 8028

To: The Commission

**STATEMENT OF THE
UTILITIES TELECOMMUNICATIONS COUNCIL
IN SUPPORT OF PETITION FOR RULE MAKING**

Pursuant to Section 1.405 of the Commission's rules, the Utilities Telecommunications Council (UTC) submits the following statement in support of the Petition For Rule Making in the above-captioned matter, filed on March 6, 1992, by the National Association of Business and Educational Radio (NABER).^{1/}

Introduction

UTC is the national representative on communications matters for the nation's electric, gas and water utilities. Approximately 2,000 utilities are members of UTC, ranging in size from large combination electric-gas-water utilities

^{1/} The subject Petition for Rule Making was placed on Public Notice on July 13, 1992.

Mr. [unclear] [Signature]
[unclear]

serving millions of consumers to small rural electric cooperatives and water districts serving only a few thousand consumers. All utilities depend on reliable communications facilities to carry out their public service obligations, and most operate private land mobile facilities. UTC is therefore interested in any proceedings that would affect the efficient licensing and use of private land mobile radio spectrum.

Discussion

NABER requests the FCC to amend Sections 90.621(c) and (d) of the Federal Communications Commission's (FCC) rules to provide for 40/22 dBu contour separation between co-channel 800 and 900 MHz private land mobile radio stations in the Business and General Category Radio Services pools. Currently, Sections 90.621(c) and (d) of the rules provide that trunked systems and exclusive-use conventional systems in the Public Safety, Industrial/Land Transportation, Business and General Categories will be protected on the basis of a 40 dBu contour, with co-channel interference levels limited to 30 dBu over an applicant's requested service area. The rule states that this protection will typically result in separations of seventy miles between co-channel base stations.

NABER states it is concerned that there have been an increasing number of requests for short-spacing under a 40/30 dBu analysis using a system's actual operating parameters, and that these requests may result in problems for existing licensees seeking to increase power or make minor changes in their transmitter locations. NABER requests that for stations authorized in the 800 and 900 MHz Business and General Categories, the co-channel interference limit be reduced to the 22 dBu contour of the interfering station.

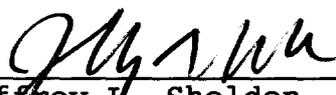
UTC supports NABER's proposal and requests that it also be applied to 800 and 900 MHz frequencies in the Industrial/Land Transportation pool, as well as to the General Category and Business pools. UTC concurs that the current provisions of Section 90.621(c) and (d) do not adequately protect co-channel systems. The effect of the current provisions is to so finely tune the coordination of short-spaced co-channel systems that they are prevented from exercising flexibility in making any changes. The FCC should apply the new criteria to frequencies in the Industrial/Land Transportation pool, in addition to the pools proposed by NABER, because frequencies in that pool are also subject to intercategory sharing, and applicants in other categories are increasingly requesting waivers to operate on Industrial/Land Transportation frequencies on a

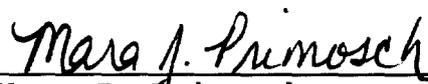
short-spaced basis. For example, SMR applicants proposing to short-space on SMR category frequencies are required to afford protection based on a 40/22 dBu standard, but are currently permitted to request short-spacing on non-SMR frequencies using a 40/30 dBu analysis.^{2/} Good spectrum management, as well as simple equity, indicates that the same interference criteria should apply to the protection of non-commercial radio systems as are applied to commercial SMR systems.

^{2/} Report and Order in PR Docket No. 90-34, 6 FCC Rcd 4929, n.6, n.23 (1991).

WHEREFORE, THE PREMISES CONSIDERED, Utilities Telecommunications Council respectfully requests the Federal Communications Commission to issue a rulemaking notice consistent with the views expressed herein.

UTILITIES TELECOMMUNICATIONS
COUNCIL

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Dated: August 12, 1992

CERTIFICATE OF SERVICE

I, Kim Winborne, hereby certify that I have caused to be sent, by first class mail, postage prepaid, this 12th day of August, 1992, a copy of the foregoing "Statement of the Utilities Telecommunications Council in Support of Petition For Rule Making," to the following:

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