

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 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 IN SUPPORT
OF THE
AMERICAN PETROLEUM INSTITUTE**

The American Petroleum Institute (API), by its attorneys, pursuant to Section 1.405(a) of the Rules and Regulations of the Federal Communications Commission (Commission), hereby respectfully submits this Statement in Support of the Petition for Rule Making filed by the National Association of Business and Educational Radio, Inc. (NABER) with the Commission on March 6, 1992.^{1/}

I. PRELIMINARY STATEMENT

1. The American Petroleum Institute is a national trade association representing over 200 companies involved in all aspects of the oil and gas industries, including

^{1/} Public Notice, Report No. 1899, Petitions for Rule Making Filed, released July 13, 1992.

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exploration, production, refining, marketing and pipeline transportation of petroleum crude oil, petroleum products and natural gas. Among its many activities, API acts on behalf of its members as a spokesperson before federal and state regulatory agencies and legislative bodies. The API Telecommunications Committee is one of the standing committees of the organization's General Committee on Transportation. The committee evaluates and develops responses to state and federal proposals affecting telecommunications facilities employed in the oil and gas industries.

2. The Telecommunications Committee is API's primary committee concerned with telecommunications regulatory matters. It is supported and sustained by licensees that are authorized by the Commission to operate, among other telecommunications facilities, two-way land mobile radio facilities in the Private Land Mobile Radio Services and point-to-point microwave systems in the Private Operational-Fixed Microwave Service. These telecommunications facilities are used to support the search for and production of oil and natural gas. These systems are also utilized to ensure the safe pipeline transmission of natural gas, crude oil and refined petroleum products, and for the processing and refining of these energy sources,

as well as for their ultimate delivery to industrial, commercial, and residential customers. The facilities licensed to API's members are thus essential to the provision of our nation's energy sources.

3. API's member companies use frequency assignments from the 800 MHz and 900 MHz Industrial/Land Transportation, Business and General Category service pools to meet these essential mobile radio telecommunications requirements. NABER's Petition affects both the existing 800/900 MHz systems licensed to its member companies as well as future employment of this spectrum by its member companies. Accordingly, API appreciates this opportunity to submit this Statement in Support.

II. BACKGROUND

4. NABER's Petition seeks amendment of the rules to provide for a more stringent contour separation standard between co-channel Private Land Mobile Radio Service stations employing assignment from the Business and General Category frequency pools, changing the current 40/30 dBu standard to a 40/22 dBu standard. NABER's proposal is similar to the one it recommended in the Commission's rule making proceeding initiated to amend Section 90.621(b) of

the rules and to strengthen the interference criteria for SMR channels.^{2/} However, NABER has not proposed the adoption of a 40/22 dBu table as was established for the SMR pool channels. This proposal does not include the Industrial/Land Transportation or Public Safety Service pools. NABER leaves to the Commission's discretion whether to include these frequency pools in any rule making initiative.

III. STATEMENT IN SUPPORT

5. API concurs with NABER's assessment that non-SMR licensees have system configured similar to SMR systems, and experience the same co-channel interference difficulties encountered by SMR licensees. In fact, the need for a stricter separation standard in the non-SMR service pools is greater in light of the critical telecommunications transmitted by many of these systems that affect the public health and safety. API agrees with NABER that the Commission should amend Section 90.621(c) and (d) to provide a 40/22 dBu contour standard rather than the current 40/30 dBu contour standard. However, API urges the Commission to

^{2/} See Report and Order, (FCC 91-229), Amendment of Part 90 of the Commission's Rules to Permit the Short-Spacing of Specialized Mobile Radio Systems Upon Concurrence from Co-Channel Licensees, 6 FCC Rcd. 4929, (1991).

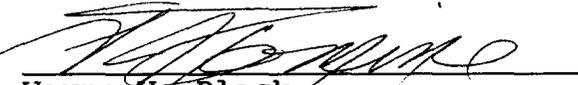
include the Industrial/Land Transportation service pool channels as well.

6. In several geographic areas where a large number of petroleum and natural gas pipeline companies operate, additional frequencies assigned to expand existing systems may be obtained through the intercategory sharing rules. Thus, a system originally licensed only to use Industrial/Land Transportation channels may be augmented with channels from either the Business or General Category pools. A dual separation standard for channels utilized on one system is not administratively efficient or effective. Creating different separation standards for channels used on the same system appears unworkable. Accordingly, should a rule making proceeding be initiated in response to NABER's Petition, API strongly urges the Commission to treat all non-SMR channels similarly by specifying identical separation criteria in Section 90.621(c) and (d).

WHEREFORE, THE PREMISES CONSIDERED, the American Petroleum Institute respectfully requests the Federal Communications Commission grant the Petition for Rule Making filed by the National Association of Business and Educational Radio, Inc. and expeditiously initiate a rule making procedure consistent with the further request made herein.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE

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Dated: August 12, 1992

CERTIFICATE OF SERVICE

I, Terri Clegg Thomas, a secretary at the law firm of Keller and Heckman, do hereby certify that on the 12th day of August 1992, I forwarded to the parties listed below a copy of the foregoing Statement in Support of the American Petroleum Institute by first-class mail, postage pre-paid:

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