

August 2, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Written *Ex Parte* Presentation; WT Docket No. 14-180

Dear Ms. Dortch:

On October 17, 2014, the Wireless Telecommunications Bureau (“Bureau”) issued a Public Notice reminding Part 22 Paging and Radiotelephone Service licensees of certain technical rules and seeking comment on the need for technical flexibility in the band.¹

The Bureau explained that Part 22 licensees must comply with various technical rules, such as channel bandwidth, emission limitations, effective radiated power (“ERP”) limits, permissible operations and communications paths, equipment authorization, co-channel protection of site-based incumbents, and coordination with Industry Canada for transmitters north of Line A.

The Bureau acknowledged that while individual licensees may obtain waivers to operate at variance from the rules in Part 22, Subpart E, “additional technical and operational flexibility may promote more intensive use of the licenses and thereby benefit users nationwide.”² The Bureau therefore requested comment on updating these rules “to provide flexibility in the types of uses and technologies that can operate on these channels.”³ The Bureau noted that “an update could result in licensees deploying innovative technologies, deploying narrowband equipment, or using offset frequencies if they hold adjacent channel blocks.”⁴

The companies that filed comments in response to the Public Notice overwhelmingly supported updating and streamlining the Part 22 rules to provide greater flexibility. While the commenters may have varied in their specific recommendations regarding precisely how the rules should be modernized, they were unanimous that the Federal Communications Commission

¹ *Wireless Telecommunications Bureau Reminds Paging and Radiotelephone Service Licensees of Certain Technical Rules and Seeks Comment on the Need for Technical Flexibility*, WT Docket No. 14-180, Public Notice, 29 FCC Rcd 12673 (2014).

² *Id.*, 29 FCC Rcd at 12674.

³ *Id.*

⁴ *Id.*

(“FCC or “Commission”) should promptly initiate a rulemaking proceeding to allow more intensive and flexible use of Part 22 paging frequencies. The commenters were equally unanimous that the Part 22 rules could be revised to make more efficient use of the spectrum without resulting in increased interference in the band.

Despite the strong support for updating these rules and the lack of any opposition, the comment period in the above-referenced docket concluded over three years ago without any action taken since to begin a rulemaking proceeding.

Numerous utility and other critical infrastructure industry companies have acquired Part 22 paging licenses and incorporated the frequencies into their private land mobile radio systems that are used to support the reliable provision of electric and gas service to the public. Because utilities were never allocated paired frequencies in the VHF band, they have been forced to find alternate bands of paired VHF frequencies. Part 22 geographic area licenses provide an ideal solution for utilities needing paired VHF channels. Utilities rely on their Part 22 spectrum to provide real-time communications between their main offices and field crews servicing the electric and gas utility infrastructure and to ensure that they are able to carry out their critical infrastructure operations as safely and effectively as possible, benefiting their employees and the general public.

At the same time, however, utilities are constrained in their ability to deploy Part 22 channels and expand their operations because of the various technical limitations imposed by the FCC’s rules. Allowing for greater flexibility would enable utilities to make more intensive use of the band to facilitate essential utility service to their customers and provide increased coverage that will assist in maintaining the safety and reliability of the electric grid and natural gas delivery infrastructure. It would also increase the overall use of the paging spectrum and further Commission policy objectives regarding deployment of efficient and innovative technologies.

The signatories to this letter urge the Commission to expeditiously and without further delay issue a Notice of Proposed Rulemaking (“NPRM”) to adopt solutions that would reform the Part 22 Paging and Radiotelephone Service to promote more intensive and flexible use of the band to the benefit of users nationwide.

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In accordance with the Commission's rules, one copy of this *ex parte* notice is being filed electronically for inclusion in the record of this proceeding.

Respectfully submitted,

Nebraska Public Power District

/s/ Maynard Schnell

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/s/ Terry Payne

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Director of Enterprise Systems

New York State Electric & Gas Corporation

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Lead Engineer

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/s/ Brett Kilbourne

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General Counsel and Vice President of Policy

cc: Chairman Ajit Pai
Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel