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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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92-235

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Honorable Wally Herger  
House of Representatives  
1108 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Herger:

This is in reply to your letter of January 5, 1993, in which you inquired on behalf of your constituents, Mr. Gary Shaffer and Mr. Mark Shaffer of Almanor Forest Products, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

We are, of course, sensitive to the concerns of users of private land mobile radio spectrum and the impact that these proposals may have on their radio systems, including the costs of required modifications. As indicated in their letter, Almanor Forest Products operates a mobile radio system in low band (30-50 MHz). Because of the propagational characteristics of that band, we have not proposed technical changes in that band. Thus, Almanor Forest Products' radio system would be largely unaffected.

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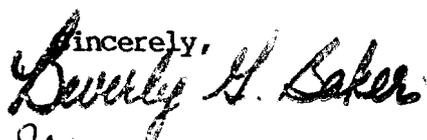
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Honorable Craig Thomas

2.

We will, however, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due February 26, 1993, and Reply Comments are due April 14, 1993. We expect final rules to be issued near the end of 1993. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,  
  
 Ralph A. Haller  
Chief, Private Radio Bureau

Enclosure

cc:  
Chief, PRBureau  
Chief, LM&M Division  
Deputy Chief, LM&M Division  
Lou Sizemore, Room 857  
Docket Files, Room 222  
Licensing Div., PRB, c/o Room 5202  
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# Congressional

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CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM  
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LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
<u>9300094</u>	01/11/93	01/05/93	<u>01/22/93</u>	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Wally Herger	<u>BC</u>

CONSTITUENT'S NAME	SUBJECT
several	inquiry/question on PRB rules

REF TO	REF TO	REF TO	REF TO
PRB	<u>LMMB</u>	<u>Oyl</u>	

DATE	DATE	DATE	DATE
01/11/93	<u>1/12/93</u>	<u>1/12/93</u>	

REMARKS:

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**WALLY HERGER**

2<sup>D</sup> DISTRICT, CALIFORNIA

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COMMITTEE ON AGRICULTURE

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ON NARCOTICS  
ABUSE AND CONTROL

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0502**

January 5, 1993

Honorable Alfred C. Sikes  
Chairman  
Federal Communications Commission  
1919 M St NW  
Washington, D.C. 20554-0002

Dear Chairman Sikes:

I have received the enclosed letter from constituents of mine. They have concerns that FCC Docket 92-235 will have a significant negative impact on reliable radio communication for safety purposes. Since you are in a position to address these issues, I would appreciate it if you would provide me with information which would allow me to more fully address their concerns.

Thank you for your efforts in this matter, and I look forward to hearing from you.

Sincerely,

*Wally*  
WALLY HERGER  
Member of Congress

WH/dd

Enclosure

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JAN 12 12 07 PM '93  
U.S. HOUSE OF REPRESENTATIVES  
PRIVATE MAIL ROOM

# ALMANOR FOREST PRODUCTS

472-100 Richmond Road • Susanville, California 96130 • (916) 257-7812

December 15, 1992



The Honorable Wally Herger  
U. S. Congressman  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Herger:

I have recently been informed of FCC Docket 92-235. This rule intends to completely scrap the current Part 90 Rules and Regulations. This will have yet another detrimental impact on the Forest Products Industries.

The Forest Products Industries are in a completely different situation than most radio users. The wide expanse of country in which we work can sometimes cover a working circle of up to 100 mile radius. This is a huge area to cover with mobile-radio communications, as radio telephone systems are unable to adequately cover mountainous terrain. The low-band fm frequencies most loggers and forest products companies use are essential for business, and especially, safety communication.

If FCC Docket 92-235 passes, it will carry with it many costs; current FCC protections against unwanted "traffic" on private frequencies will be gone, channels may be re-used as close as 50 miles to existing stations, the consolidation of Radio Services would destroy protection for our unique requirements.

I must stress here the need our industries have for reliable radio communication for SAFETY purposes. State and Federal Laws (OSHA) require reliable communication between bases and logging sites for emergency first-aid. Fire protection needs also to be considered. Adequate communication is a must to prevent potential catastrophic loss of our natural resources due to fire. This rule change will make that impossible.

I request that you strongly oppose this change in FCC regulations. Thank you.

Sincerely,

*Gary A. Shaller*

*Mark A. Shaller*

Almanor Forest Products  
FCC Call Sign KTI905

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

In the Matter of )  
 )  
 Replacement of Part 90 by Part 88 to ) PR Docket No. 92-235  
 Revise the Private Land Mobile Radio )  
 Services and Modify the Policies )  
 Governing Them )  
 )

**NOTICE OF PROPOSED RULE MAKING**

**Adopted: October 8, 1992**                      **Released: November 6, 1992**

**Comment Date: February 26, 1993**  
**Reply Comment Date: April 14, 1993**

By the Commission: Commissioner Barrett issuing a separate statement.

**I. Introduction**

1. On July 2, 1991, we released a Notice of Inquiry (Inquiry) to gather information on how to promote more efficient use of the frequency bands below 512 MHz allocated to the private land mobile radio (PLMR) services.<sup>1</sup> Based on the input received in response to our Inquiry, today we are adopting this Notice of Proposed Rule Making (Notice) that contains a comprehensive set of proposals designed to increase channel capacity in these bands, to promote more efficient use of these channels, and to simplify our policies governing the use of these bands by a wide variety of small and large businesses and public safety agencies throughout this nation.<sup>2</sup> The magnitude of these proposed policy changes makes this an ideal time to create Part 88, and thus correct many unrelated deficiencies that exist in our current rules governing the PLMR services. The proposed rules are in many ways radically different from our current rules. We have, however, attempted to develop a new set of rules that are flexible and simple with regard to the technical and operational characteristics of the private land mobile radio services as well as our mechanisms for licensing users in these services.

2. We are convinced that, without significant regulatory changes in the bands below 512 MHz, the quality of PLMR communications will likely deteriorate to the point of endangering public safety and the national economy. In this proceeding, therefore, our goal is to develop a regulatory scheme that increases channel capacity for PLMR users. We are also sensitive to the need for a reasonable transition period for users to convert their radio systems to newer, more spectrum efficient technologies. These proposals are complex and deserve the full time and attention of all interested parties. In sum, the Notice is a critical step in providing for the future communications needs of private land mobile radio users. We are, therefore, looking forward to their comments and any alternatives that they may have to the proposals we have developed for their consideration.

3. It may be helpful to outline how the proposals in this Notice are presented for consideration. The Notice itself merely presents our proposals in a broad and general form. Readers will find more detail regarding each of our proposals in Appendix A, which explains each major proposal. Readers should also carefully examine Appendix D, the proposed Part 88 that would replace Part 90. To assist in this detailed review, we have provided Appendix E, an index that cross-references proposed rules in Part 88 to current rules in Part 90.

**II. Background**

4. In the past seven decades, PLMR has become one of the largest, most important areas regulated by the Commission. When making new PLMR spectrum allocations, we have generally been innovative and required or induced industry to be innovative. The rules for the bands in use longest have often been amended, yet remain based on much earlier technologies and regulatory concepts. Many PLMR channels are now unacceptably crowded and our rules for certain bands are unacceptably archaic and convoluted. The Inquiry solicited comments on a wide range of technical and policy issues related to the use of the PLMR bands below 512 MHz, with the overall goal of developing modern rules to support future technologies.

5. We received over 120 comments and reply comments. The Private Radio Bureau, in cooperation with the Annenberg Washington Program, Communications Policy Studies, of Northwestern University, also sponsored a conference on this topic on November 14, 1991. Nearly all the commenters appreciated that the Inquiry was a necessary step for insuring that the long term communications needs of the PLMR community are met. Many comments highlighted the invaluable and irreplaceable need for radio spectrum for one and two-way mobile communications. Most commenters suggested that we proceed immediately to increase spectrum efficiency through technical changes as well as various policy changes. In preparing this Notice, we again carefully reviewed the existing environment, with the goal of determining the best possible regulatory framework.

**III. Discussion**

6. We propose below a series of major changes in the way we regulate the PLMR services below 512 MHz. There are four major proposals. First, we propose spectrum efficiency standards that should increase the capacity, in terms of number of available channels, of several bands by 300 to 500 percent. These standards would generally reduce channel spacing to 6.25 kHz or less, while at the same time providing technical flexibility. Second, we propose a channel exclusivity option in the bands above 150 MHz. This would be accomplished using a market-based approach called "exclusive use overlay," which involves achieving exclusivity through concurrence of existing users. We would, in addition, leave a significant number of channels available for licensing on the traditional shared use basis. Third, we propose to consolidate the current 19 radio services. Fourth, we propose new technical and operational standards. For example, we propose significantly reducing permissible transmitting power levels. This would permit efficient geographic co-channel reuse. In addition, we propose to permit centralized trunking, set aside channels for specific operational characteristics, designate channels for new high-technology type of operation, and generally simplify our rules. These changes would greatly expand capacity and improve quality

of service, without imposing unreasonable burdens on present or future licensees.

#### A. Spectrum Efficiency Standards.

7. **Creation of narrowband channels and adoption of spectrum efficiency standards.** A great deal of the Inquiry focused on specific technologies and technical regulation. We asked about a variety of technologies, including trunking, packet radio, spread spectrum, and narrowband.<sup>3</sup> We also discussed the concept of a spectrum efficiency standard, which would require that systems be at least as efficient as some benchmark technology,<sup>4</sup> as a method of providing technical flexibility while at the same time prohibiting spectrum inefficient technologies. Commenters emphasize that our proposals must provide technical flexibility<sup>5</sup> and encourage use of new technologies in the existing bands, particularly in urban markets. The comments clearly indicate that the benchmark technology should be narrowband.<sup>6</sup>

8. Thus, we are proposing a set of spectrum efficiency standards based on narrowband technology. The standards would provide for greater efficiencies over time, moving from the current 25 kHz channel spacing eventually to 6.25 kHz in the 421-430, 450-470 and 470-512 MHz bands and to 5 kHz channel spacing in the 72-76 (for low power mobile operations) and 150-174 MHz bands. The process would occur in two stages, with the first stage requiring existing users to reduce their occupied bandwidth.<sup>7</sup> These proposed standards are designed to promote technical flexibility, allowing the economic and public safety considerations to determine the best technology for each application, while at the same time requiring that PLMR allocations be used efficiently.

9. This proposal is consistent with comments of most frequency coordinators, the Land Mobile Communications Council (LMCC), Motorola, Inc., American Telephone & Telegraph Company (AT&T), and the Telecommunications Industry Association (TIA).<sup>8</sup> In addition, several parties favor spectrum efficiency standards, but not necessarily a channel split.<sup>9</sup> Commenters also indicate they want the option to use 25 kHz Time Division Multiple Access (TDMA) technology.<sup>10</sup> This proposed plan would permit this option.

10. We also propose loading standards that provide existing licensees an opportunity to take advantage of the newly created narrowband channels. Even if they lack the per-channel loading standard, existing licensees could still retain two narrowband channels for every existing channel by implementing this technology at least two years sooner than required. Together with exclusivity, this would provide licensees with an incentive to use narrowband channels as soon as economic and public safety conditions indicate. Thus, additional capacity would become available at a quick and smooth pace. Licensees could fund conversion to narrowband by reassigning part of an existing wideband channel to a party willing to reimburse them.

#### B. Exclusivity.

11. **Creation of a channel exclusivity option.** Currently our rules governing the bands below 470 MHz do not provide for channel exclusivity.<sup>11</sup> The Inquiry focused a great deal on the concept of exclusivity, combined with flexible technical standards, as an incentive to promote spectrum efficiency.<sup>12</sup> Most commenters favor some sort of channel exclusivity. The Joint

Commenters, for example, state that they "agree wholeheartly ... that exclusive channel assignments provide a strong stimulus for licensees to employ efficient modes of operation."<sup>13</sup> Exclusivity makes technical flexibility more viable. For example, centralized trunking is currently based on exclusivity. Thus we propose permitting exclusive channel assignments in most of the 150-174 MHz, 421-430 MHz, and 450-470 MHz bands.

12. The Inquiry discussed three methods of converting the bands below 470 MHz to exclusive assignments: stopping new licensing, emptying a band, and exclusive use overlay.<sup>14</sup> Of these three methods of achieving exclusivity, commenters generally opposed the first two plans. Several commenters, however, specifically favor the exclusive use overlay plan.<sup>15</sup> Thus we propose that exclusivity would be achieved through an exclusive use overlay (EUO) plan similar to that discussed in the Inquiry.<sup>16</sup> Our proposal would permit a temporary freeze of licensing on specific channels at specific locations if applicants obtain sufficient concurrence from existing large (as defined by loading criteria) licensees. If concurrence of all large licensees is achieved, then we would permanently freeze licensing, *i.e.*, no additional use of that channel within 50 miles would be permitted without concurrence of the EUO licensee.<sup>17</sup> Thus, the EUO option is an opportunity to obtain exclusivity. Several other commenters favor converting de facto exclusive licenses to actual exclusive licenses.<sup>18</sup> Our proposal, including its preferences to existing licensees, achieves that goal.<sup>19</sup> Other licensees favor use of loading standards, as at 800 MHz.<sup>20</sup> Our proposal applies loading criteria, but in a different manner.

13. Several frequency coordinators request that exclusivity be administered through them. AAR, for example, claims that exclusive assignments can better be achieved through coordination. These proposals would leave frequency coordinators with a major role in administering exclusivity. The standards for exclusivity, however, must be determined through the rule making process. If user groups have a need to be provided a greater degree of exclusivity for certain types of systems, then they should explicitly state what the standards and eligibility requirements for expanded protection should be.<sup>21</sup>

#### C. Radio Services.

14. **Consolidation of the Private Land Mobile Radio Services.** The Inquiry discussed the possibility of consolidating the present 19 PLMR services or increasing intercategory sharing.<sup>22</sup> We pointed out that channel utilization is not consistent across the 19 user groups. A study of our licensing database in April, 1992, showed very wide variations in usage, often exceeding factors of ten for channels in the same frequency band designated for different radio services. We also noted that "the current allocation system ... inhibits spectrum efficiency by making certain spectrum efficient technologies more difficult to implement."<sup>23</sup>

15. The Inquiry also discussed the merits of private carriers. We noted that the "private carrier option may be a practical method of making spectrum efficient communications services available to small licensees"<sup>24</sup> and that "[p]rivate carriers have more incentive to enhance spectrum efficiency..."<sup>25</sup>

16. Consolidation of service pools generated the widest range of comments to the Inquiry.<sup>26</sup> Several frequency coordinators oppose a proposal to consolidate the current radio

services<sup>27</sup> on the grounds that current interservice sharing rules<sup>28</sup> work. They are supported in their views by licensees within these service categories. On the other hand, the Joint Commenters, Associated Public-Safety Communications Officers, Inc. (APCO) and Utilities Telecommunications Council (UTC) all generally favor consolidation.<sup>29</sup> Together, these three sets of comments represent over 75 percent of the licensed transmitters in the affected bands, plus all the licensed PLMR activity above 800 MHz. The Joint Commenters note that, "[w]ithout such a consolidation, the industry may find it cumbersome to implement spectrum efficient technologies ... in the bands below 470 MHz."<sup>30</sup> These commenters also maintain that the current interservice sharing rules do not provide adequate relief to an applicant to obtain channels allocated to other service pools because the system is expensive, time-consuming, and burdensome to the applicant, and typically does not provide the applicant the needed spectrum.<sup>31</sup> Numerous other parties favor consolidating radio pools. The State of California states that the "current practice of allocating specific frequency bands to the unique divisions of public safety ... causes complications in areas where some bands are underutilized, while others are overcrowded."<sup>32</sup>

17. Based on the comments, we believe that some consolidation of the current alignment of radio services may be necessary to realize the maximum benefits of the PLMR spectrum. We thus propose two specific alternatives in this proceeding, both of which are designed to protect all existing users, to assure a smooth transition that minimizes cost to users, and to promote flexibility. Specifically, we propose either to (1) consolidate the current radio services into three broad categories (Public Safety, Non-Commercial and Specialized Mobile Radio) plus a General Category Pool encompassing all three services, or (2) retain the current services and assign to those services their existing frequency assignments but assign all new frequencies to the proposed new broad categories and the General Category pool. The rules proposed in Appendix D present a model based on consolidating the existing services into the three broad service categories, which provides a picture of what a new Part 88 would look like under one set of assumptions. We want to emphasize, however, that we do not have a preference for either of the alternatives set forth herein. Rather, we invite comment on both proposals as well as any other alternative that will fulfill the goals and objectives of this proceeding. Commenters offering alternatives should provide, to the maximum extent possible, the text of specific rules to implement their proposal.

18. **Frequency coordination.** We propose that frequency coordinators continue to play a major role in managing the PLMR spectrum. We propose that if we adopt option 1 from paragraph 17 above, Public Safety Radio Service applicants would be permitted to use any of the current public safety frequency coordinators. Non-Commercial and General category applicants could use any recognized frequency coordinator.<sup>33</sup> We propose that if we adopt option 2, channels designated for the current 19 narrow radio services would continue to be coordinated only by their current coordinator. Channels designated for the Public Safety Radio Service could be coordinated by any of the existing coordinators for the public safety radio services, and channels designated for the Non-Commercial Radio Service and General Category Pool could be coordinated by any recognized frequency coordinator. Finally, above 800 MHz APCO, NABER and SIRSA would coordinate the same channels they currently coordinate.

19. Currently, frequency coordination is a process in which each applicant was given the best assignment possible. In the future, frequency coordinators should strive to retain as large a spectrum reserve as possible. For example, frequency recommendations should place systems as close geographically as possible without causing interference. Small systems not qualifying for an EUO preference should be stacked on the same channel (vertical loading), rather than be assigned separate channels (horizontal loading).

#### D. Technical and Operational Rule Changes.

20. **Adopt reduced ERP and HAAT Limits.** The Inquiry requested comments on reducing the maximum permitted transmitter power levels.<sup>34</sup> We noted the advantages of greater reuse of spectrum over geographic space. Many commenters favor some method of limiting emissions, recognizing that many current licensees use far more power than necessary. The State of California cites "a small town of three square miles operat[ing] 250 watt base stations."<sup>35</sup> Public safety entities tended to favor service area contours rather than simple power limits.<sup>36</sup> A 75 watt power limit was recommended by various Land Transportation frequency coordinators.<sup>37</sup> As they point out, the railroad, taxi, and trucking industries all have needs as complicated and critical as most users. Users in these services have all found 75 watts to be an acceptable power limit.<sup>38</sup> Use of high gain antenna systems can, however, result in overly powerful systems. Thus, we propose for the 150-174 and 450-470 MHz bands reducing the standard limits on effective radiated power (ERP) to 300 watts, with lower ERP limits for systems with antenna heights above average terrain greater than 60 meters.<sup>39</sup> This proposal is closely tied to our exclusive use overlay proposal because it would enable us to propose co-channel separations of 50 miles, rather than the 70 mile separation used in the bands above 800 MHz.<sup>40</sup>

21. **Providing for alternative operations.** Although a main focus of this Notice is the creation of a large number of exclusive use channels, we also propose that applicants be offered a full array of options. For example, the entire 25-50 MHz band and a number of channels in the 150-174 MHz and 450-470 MHz bands will not include a channel exclusivity option. Furthermore, our proposed rules would provide for alternative types of systems, such as low power, itinerant wide-area, and mutual aid operations. Finally, we propose a set of channels in the 150-162 MHz band be set aside for large innovative operations.

22. **Promotion of interoperability.** Interoperability is a key concern of public safety entities. The work of APCO-25 is discussed by several commenters.<sup>41</sup> The initial output of this committee will be digital standards using 12.5 kHz channels. Agencies in various jurisdictions must be able to communicate with each other. Although we are not proposing to mandate such standards, we might eventually propose standards on mutual aid channels. This would provide an impetus for de facto standardization, yet still permit competing technologies.

23. **Designation of Channels for Innovative Shared Use.** We propose designating 258 channel pairs in the 150-162 MHz band for innovative, highly spectrum efficient radio systems. Although we request a full range of comments concerning use of these channels, we propose that most of these channels be designated as shared use voice/data channels, with a very limited number of channels assigned on an exclusive basis for control purposes.<sup>42</sup>

Licenses would be made available in seven regions using lotteries. Licensees would be required to update the technology used in their systems periodically to increase its spectrum efficiency. Thus, this proposed operation would serve as a base for technical innovation that could be used by other PLMR licensees. As an alternative, we propose issuing five 50 channel exclusive use licenses per region.

**24. Permitting trunked operations.** A trunked system is a multi-channel system in which a user can transmit on any of the channels through specific base station facilities. The system automatically searches for and assigns a user an open channel assigned to that system. Trunked technology provides significantly more efficient use of the radio spectrum in terms of the number of users that can be supported.<sup>43</sup> Centralized trunking is not currently permitted in the bands below 800 MHz.<sup>44</sup> The vast majority of commenters favor permitting centralized trunking when a licensee has at least de facto exclusivity. Thus, we propose that centralized trunking immediately be explicitly permitted where exclusivity is recognized by the Commission or when all co-channel licensees within 50 miles concur.

#### E. Miscellaneous Proposals.

**25. Modification of Existing Systems.** A key concern to many commenters is that current licensees be given sufficient time to amortize the cost of existing equipment prior to the date that narrowband equipment is mandated.<sup>45</sup> Adjustments to existing systems would, however, accelerate implementation of narrowband and other spectrum efficient technologies. The Joint Commenters state that "it appears that the reduction in transmitter deviation can be accomplished without great expense through a combination of manual adjustment of existing equipment and software."<sup>46</sup> Thus, we propose requiring certain changes to existing systems. All existing systems between 150 and 512 MHz would be required to reduce their transmitter deviation to no more than 3 kHz and meet the new power limitations by January 1, 1996.

**26. Retaining offset channels in the 450-470 MHz band.** Between the primary channels in the 450-470 MHz band are channels offset by 12.5 kHz, generally available on a secondary basis for low power mobile operations.<sup>47</sup> These channels are heavily occupied and are considered essential by several commenters.<sup>48</sup> We propose that these channels remain licensed on a secondary basis. Their bandwidth would also be subject to the general spectrum efficiency requirements.<sup>49</sup> These channels would be available in the Public Safety Radio Service and the General Category Pool. In addition, we would permit, without a separate authorization, very low power (20 mW or less) telemetry operations on additional offset channels in the 450-470 MHz band. We believe these proposed changes, particularly taken in conjunction with the general proposed ERP limitation will, for example, help serve the significant spectrum needs for such low power operations.<sup>50</sup>

**27. General simplification of Part 90.** Our proposed rules, renamed Part 88, are generally much simpler and clearer than current rules. Some of the proposed changes are a) eliminating the majority of footnotes to frequency tables, b) improving the glossary, c) adding an index, d) consolidation of many grandfathering provisions, e) radiolocation as an operation rather than a radio service, f) consolidating Subparts L, S, and T into the main sections of Part 88, and g) making a general editorial reorganization.

#### IV. Conclusion

##### Initial Regulatory Flexibility Analysis

28. An Initial Regulatory Flexibility Analysis is contained in Appendix B to this Notice of Proposed Rule Making. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 et seq. (1981).

##### Paperwork Reduction Act Statement

29. The proposals contained in this Notice have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to decrease the burden imposed on the public by eliminating the option for multiple licensing, and to impose an additional burden on licensees seeking to convert their frequencies from shared use to exclusive use by requiring a proposed form to be filed. Whether the proposal is viewed as a decrease, increase or modification of existing collection burdens, it is subject to approval by the Office of Management and Budget as prescribed by the Act.

##### Ex Parte Rules - Non-Restricted Proceeding

30. This is a non-restricted notice and comment rule making proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

##### Comment Dates

31. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before February 26, 1993, and reply comments on or before April 14, 1993. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, DC 20554.

Ordering Clause

32. Authority for issuance of this Notice of Proposed Rule Making is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r).

Contact Person

33. For further information about this Notice, contact Doron Fertig, Private Radio Bureau, (202) 632-6497 or for technical issues, Eugene Thomson, Private Radio Bureau, (202) 634-2443.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy  
Secretary

**FOOTNOTES**

1. Notice of Inquiry (Inquiry), PR Docket No. 91-170, 6 FCC Rcd 4125 (1991).
2. Because we received the information we were seeking from the Inquiry, and the scope and focus of this Notice differs from the Inquiry, we have opened a new Docket and will close PR Docket No. 91-170.
3. See Inquiry, paragraphs 26-44.
4. See Inquiry, paragraphs 101-106.
5. LMCC urges us "not to mandate any one technology, transmission technique, or system design. Rather, the Commission should adopt rules and policies that would provide land mobile users with substantial latitude in choosing among available technologies and system designs." Comments of LMCC, 5.
6. See, for example, Comments of LMCC.
7. The proposed first stage would reduce channel deviation for existing systems, thus reducing noise caused by and to adjacent channel assignments, and facilitating the addition of new channel assignments as soon as possible, without requiring actual replacement of equipment.
8. See Comments of American Trucking Association (ATA), LMCC, Motorola, Inc., and TIA. See Comments of the Association of American Railroads (AAR) for an opposing view.
9. See Comments of AT&T.
10. See, for example, Comments of LMCC, 13-14.
11. See 47 C.F.R. § 90.173(a).
12. Inquiry, paragraphs 51-64.
13. The Joint Commenters are Special Industrial Radio Service Association, Inc. (SIRSA), National Association of Business and Educational Radio, Inc. (NABER), American Petroleum Institute (API), American Mobile Telecommunications Association, Inc. (AMTA), Telephone Maintenance Frequency Advisory Committee (TELFAC), and Council of Independent Communication Suppliers (CISS). Joint Comments at 10.

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14. Id., paragraphs 52-64.
  15. See, for example, Comments of LMCC, and National Telecommunications and Information Administration (NTIA). Advanced Mobilecomm, Inc. (AMI) also proposed a plan similar to this one, although they did not specifically comment on exclusive use overlay. See Comments of AMI.
  16. See Inquiry at paras. 65-69.
  17. Existing users would, however, be allowed to remain on the channel on a co-primary basis and will be allowed to add new mobiles.
  18. See, for example, Comments of California Public-Safety Radio Association.
  19. We also propose that until February 1, 1996, EUO applications would only be accepted from existing licensees.
  20. See Comments of ATA.
  21. For example, we propose protecting systems for which failure of their PLMR system would create an imminent danger to the public safety. This would provide automated railroad systems protection that we believe to be necessary.
  22. Inquiry, paragraphs 78-88.
  23. Id., paragraph 85.
  24. Id. paragraph 91.
  25. Id. paragraph 92.
  26. LMCC states that this subject "has been the subject of lively debate within the LMCC." Comments of LMCC at p. 23.
  27. See, for example, Comments of Forest Industry Telecommunications (FIT).
  28. 47 C.F.R. § 90.176.
  29. See Joint Comments, Comments of APCO and UTC. APCO is less firm on this issue, generally recognizing that it is a reasonable step, but noting problems such as users having confidence in the coordination system. UTC favors consolidation, but recommends different services from those that we are proposing.
  30. Joint Comments at 16.
  31. Joint Comments, n. 23.
  32. Comments of State of California, 9.
  33. This would prevent applicants from being forced to go to non-representative entities for frequency assignment recommendations, as opposed in the numerous reply comments by state highway departments. See, for example, Reply Comments of the New York State Department of Transportation.
  34. Inquiry, paragraphs 96-100.
  35. Comments of State of California, 6.
  36. See, for example Comments of the State of Washington, Washington State Patrol.
  37. See for example Comments of AAR.
  38. Power levels on many channels would not be substantially reduced. For example, there are many channels available to Business Radio Service licensees in the 460-470 MHz band with a 110 Watt power restriction. See 47 C.F.R. § 90.75(b) and (c).
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39. Systems requiring greater geographic coverage could build additional sites.
40. ATA indicates reassignment of a channel after 50 miles was a reasonable goal. Comments of ATA, 10.
41. APCO-25 is a committee of representatives of federal, state and local public safety agencies which, together with manufacturers, is developing digital standards for use in public safety mobile radio systems. See, for example, Comments of County of Orange, California, and Motorola Inc.
42. This type of operation was suggested by Fred W. Daniel. Comments of Fred W. Daniel.
43. See Future Private Land Mobile Telecommunications Requirements: Final Report, Planning Staff, Private Radio Bureau, FCC, Washington, D.C., August 1983.
44. Decentralized trunking is, and would continue to be permitted. See Inquiry at para. 27.
45. See, for example, Comments of Forestry Conservation Communications Association (FCCA), 8.
46. Joint Comments at n. 16.
47. See 47 C.F.R. § 90.267.
48. See, for example, Comments of Hewlett-Packard Company Products Group (HP).
49. Thus, these would become 6.25 kHz wide channels offset 3.125 kHz from the full power channels.
50. See Comments of HP and Spacelabs.