

Commission not to adopt this proposal.

- F. The Commission should consolidate the nineteen individual private land mobile radio services into four service pools.

42. The Joint Commenters support that part of the Commission's proposal aimed at consolidating the nineteen different radio services. The Joint Commenters believe that, with minimal refinement, the Commission's proposal to consolidate services will provide a useful and efficient regulatory structure.

43. As an initial observation, the Joint Commenters concur with the Commission that the existing structure of nineteen different services is not efficient. This existing structure perpetuates "good faith" allocation decisions that were made decades ago. The radio services have evolved considerably over the past thirty to sixty years, with significant changes in the nature of the services, frequency use, and eligibility rules. Over time, the demand for frequencies in some services has diminished while the demand in other services has increased. The intensity of channel use today varies significantly among the services. Consolidation of the existing services into service pools would avoid the problems which otherwise arise when the nature and needs of individual radio services change.

44. If the Commission revises the frequency allocations but does not consolidate radio services, the inefficiencies of the present structure will persist. Even in the best of circumstances, the Commission would not be able to ascertain what the optimum distribution of frequencies among the many different radio services should be. No matter how the available frequencies are distributed among the various radio services, the needs of the services would change sooner or later in response to shifts in social priorities. At best, the distribution of frequencies would once again become obsolete; at worst, present day spectrum disparities would be sustained.

45. The Joint Commenters agree with the Commission, therefore, that the time has come to consolidate the nineteen different radio services into different service "pools". With a pool arrangement, the inefficiency of the current interservice sharing rules will be eliminated. The private land mobile frequencies will be immediately available to satisfy the different needs of radio users without requiring applicants and the Commission to pay "homage" to outdated allocation decisions.

46. The Joint Commenters recommend that there be four pools

47. The proposed Section 88.18 contained in the Commission's Notice would include any "business, charitable or non-profit organization, or government agency" in a single "Non-Commercial" pool. The Joint Commenters disagree with including such disparate entities in a single category. The fundamental flaw with Section 88.18 is that it includes in a single pool entities having a clearly defined, non-discretionary need for radio service to accommodate vital industrial activities along with other entities for whom the use of private land mobile facilities is but one of several available communication alternatives.

48. The Joint Commenters believe there should be a separate and distinct "Private Industrial Service" pool created for entities who require the use of radio to provide essential safety of life and preservation of property services, or heavy industrial licensees and other entities who have special needs for large industrial systems. In the view of the Joint Commenters, this "Private Industrial Service" would consist of (1) current Industrial Radio Services entities eligible under Sections 90.61, 90.63, 90.65, 90.67, 90.69, 90.71, 90.73, 90.79, and 90.81, and (2) current Land Transportation Radio Service entities eligible under Sections 90.87, 90.89, 90.91, 90.93, and 90.95.

49. The Joint Commenters believe that the Business/General Category pool should be designed for those commercial entities for which there are a variety of communications solutions available in the marketplace, i.e., those whose communications requirements tend to be non-specialized or relatively routine. This pool may also include charitable and non-profit organizations and governmental agencies. The Specialized Mobile Radio Service would include private carrier licensees as defined in the proposed Section 88.17, and the Public Safety Service would encompass public safety licensees as defined in the proposed Section 88.13.

50. Assuming that the Commission does consolidate the existing radio services, it could follow one of two alternatives: (1) apportion all of the narrowband frequencies "created" as a result of channel splitting among the four service pools and

year 2004, the current allocation of existing frequencies to the nineteen individual radio services. Economy and efficiency in spectrum management is at the heart of the principle that "spectrum should be allocated for ... large groups of the population rather than ... small groups". By consolidating radio services into the four pools recommended by the Joint Commenters, the Commission would be acting in a manner consistent with this guiding principle. In the same way that the allocation of frequencies for large groups rather than small groups represents

~~and spectrum management consolidation of the existing radio~~

coordinator who performs an intercategory coordination would simply process the application and, following certification, provide notice to the other affected coordinators. This approach would eliminate much of the delay caused by the existing requirement that other affected coordinators must consent to requests for interservice sharing. For these reasons, the Joint Commenters urge the Commission to revise the existing frequency coordination procedures to permit any of the recognized industrial, land transportation and business coordinators to coordinate applications filed under Part 88 for any of the Private Industrial, Business/General Category, and SMR frequency pools. Such a system will ensure that coordinators provide timely and responsive service to the public.

pool. The coordinator making the recommendation would be required to notify the coordinators primarily responsible for the "out-of-service" pool. The primary coordinator(s) would then have ten working days in which to notify the coordinator making the frequency recommendation if there were objections to the recommendation.

54. The Joint Commenters support the thrust of the Commission's proposed Section 88.309. As the Joint Commenters understand this proposed rule section, private carrier licensees would not be able to gain access to the frequencies allocated to other pools unless (a) there were no private carrier frequencies available in the desired area, (b) the private carrier obtained the non-private carrier channels from a bona fide licensee who ~~had been operating on the frequencies at issue for at least five~~

## V. CONCLUSION

55. The Joint Commenters endorse the positions recommended in LMCC's Consensus Plan. The Joint Commenters urge the Commission to adequately provide for the graceful transition and amortization of imbedded systems as well as a sufficient planning cycle to implement new technologies. The optimum way in which to accomplish these goals, in the view of the Joint Commenters, is to implement the migration plan recommended by the LMCC for the band 421-512 MHz in conjunction with LMCC's Option A for the 150-174 MHz band.

56. The Joint Commenters support LMCC's flexible approach to HAAT and ERP limits as embodied in the "safe harbor" tables set forth in the Consensus Plan. This approach will ensure that licensees have the flexibility to implement service radii that are consistent with their actual requirements. Additionally, the Commission should permit licensees in the 450 MHz and 150 MHz bands to obtain exclusive use of their assigned frequencies within their service areas.

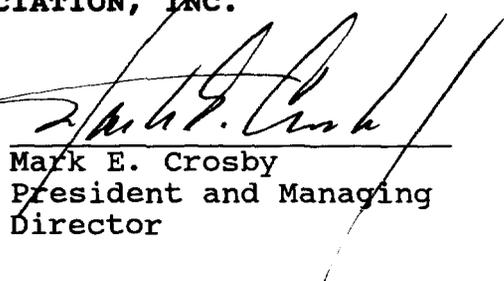
57. The Joint Commenters urge the Commission not to implement its proposal to designate 258 channels in the 150 MHz band for "Innovative Shared Use". Additionally, the Joint Commenters believe that the Commission should consolidate the nineteen individual private land mobile radio services into four

service pools. The Joint Commenters recommend that the four pools be identified as follows: (1) Private Industrial, (2) Specialized Mobile Radio, (3) Business/General Category, and (4) Public Safety. This approach would allow the creation of a separate and distinct "Private Industrial" pool for entities who require the use of radio to provide essential safety of life and preservation of property services, or heavy industrial licensees and other entities who have special needs for large industrial systems. The Joint Commenters believe that consolidation of the existing radio services into four pools would help to promote economy and efficiency in frequency utilization.

58. In conjunction with the consolidation of services, the Joint Commenters urge the Commission to revise the existing frequency coordination procedures to provide competitive frequency coordination for the "new" channels which result from the conversion to narrowband channelization. A system based on competitive coordination would also permit the Commission to simplify the interservice sharing procedures which come into play when an applicant eligible in one category seeks to use frequencies allocated to other service pools. The Joint Commenters recommend that the Commission permit any of the recognized industrial, land transportation and business

WHEREFORE, THE PREMISES CONSIDERED, the Industrial Telecommunications Association, Inc., the Council of Independent Communication Suppliers, and the Telephone Maintenance Frequency Advisory Committee respectfully submit these Comments and urge the Federal Communications Commission to act in accordance with the views expressed herein.

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