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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Allocation of the 219-220
MHz Band for Use by the
Amateur Radio Service

)
)
) ET Docket No. 93-40
) RM-7747
)

To: The Commission

**COMMENTS OF THE
UTILITIES TELECOMMUNICATIONS COUNCIL**

Pursuant to Section 1.415 of the Commission's Rules, the Utilities Telecommunications Council (UTC) hereby submits its comments on the Notice of Proposed Rule Making, FCC 93-119 (released March 22, 1993) (NPRM), in the above-captioned matter. In this docket, the Commission has proposed to allocate the 219-220 MHz band to the amateur service on a secondary basis for auxiliary station packet backbone networks and other amateur point-to-point fixed communications.

UTC is the national representative on communications matters for the nation's electric, gas, and water utilities, and natural gas pipelines. Approximately 2,000 utilities and pipeline companies are members of UTC, ranging in size from large combination electric-gas-water utilities serving millions of customers, to small rural

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electric cooperatives and water districts serving only a few thousand customers each. All utilities rely on communications facilities to support their public service obligations, and virtually all utilities rely on private land mobile facilities to meet these responsibilities. As such, UTC and its members are interested in any proceeding that would have an impact on the use of spectrum allocated for private land mobile operations, such as the 220-222 MHz band.

The NPRM is in response to a request by the Amateur Radio Relay League (ARRL) for an allocation in the 216-220 MHz band due to its claim of congestion in the 222-225 MHz band and the reallocation of the 220-222 MHz band for land mobile operations. The Commission has limited its proposal to the 219-220 MHz band, primarily due to concern with interference to reception of television broadcast channel 13 and possible interference to Automated Maritime Telecommunications System (AMTS) public coast stations. The Commission states its belief that with "careful engineering and planning, secondary amateur operations in the 219-220 MHz band will be possible without causing interference to the land mobile operations that are

expected to begin soon in the adjacent 220-222 MHz segment. ^{1/}

While it is true that land mobile receivers typically operate at significantly narrower bandwidths and that they

adequate safeguards, authorization of a service on a secondary basis, and without a frequency coordination requirement on the secondary licensee, shifts the burden of identifying and proving interference (after-the-fact) to the primary licensee. Even ARRL has supported a mandatory coordination requirement for amateur operations in the 219-220 MHz band.^{2/}

UTC disagrees with the Commission's initial determination that it may not require coordination of amateur service licensees by a non-government entity.^{3/} In support of this tentative conclusion, the Commission cites Section 332 of the Communications Act as only authorizing non-government coordination of private land mobile and fixed services, noting that there is no provision for similar coordination arrangements with regard to the amateur service.

Section 332 does not limit the FCC's authority to utilize the assistance of non-government frequency coordinators. In fact, the Commission's Rules recognized the role of frequency coordinators in the land mobile services as early as 1958 -- 24 years prior to adoption of

^{2/} NPRM, para. 22.

^{3/} NPRM, para. 24 and n.19.

Section 332.^{4/} The legislative history to Section 332 reveals that this section was intended to affirm the Commission's authority to utilize frequency coordinators in the private land mobile services and fixed services and to clarify the role coordinators can play in the licensing process.^{5/} Non-government frequency coordination also has been endorsed by the Commission in other radio services.^{6/} In any event, use of non-government frequency coordinators in this context would be entirely consistent with Section 332 since coordination of amateur radio operations would be intended to protect private land mobile radio operations from interference.

UTC therefore urges the Commission to require amateur operations in the 219-220 MHz band to be coordinated with land mobile operations licensed in the 220-222 MHz band. Since it appears that some form of coordination will be necessary with respect to AMTS operations in the 219 MHz band, there is no reason why this requirement should not be

^{4/} First Report and Order in Docket No. 11991, 23 Fed. Reg. 4784 (1958).

^{5/} See Conference Report No. 765, 87th Cong. 2d

extended to protect adjacent band land mobile operations as well.

If coordination with AMTS is not required, UTC recommends that the Commission adopt, at a minimum, a requirement that amateur licensees notify a single, nationwide point of contact of any operations in the 219-220 MHz band. This national coordinating entity would be responsible for maintaining a database of operations in this band, and for assisting in resolving any interference complaints. A notification requirement would impose only a minimal burden on amateur operators, while providing land mobile licensees in the 220-222 MHz band with access to the information necessary to identify and correct any interference problems.

WHEREFORE, THE PREMISES CONSIDERED, the Utilities Telecommunications Council respectfully requests the Commission to take action in this docket in a manner that will protect the primary land mobile operations in the 220-222 MHz band by imposing a coordination, or at least a

notification requirement, on amateur licensees operating in
this band.

Respectfully submitted,

**UTILITIES TELECOMMUNICATIONS
COUNCIL**

By:



Jeffrey L. Sheldon
General Counsel

Utilities Telecommunications
Council
1140 Connecticut Ave., N.W.
Suite 1140
Washington, D.C. 20036
(202) 872-0030

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