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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

6 JUL 1993

THE SECRETARY - ROOM 222

IN RE **RECEIVED**

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PRB
92-235
Congress of the United States

House of Representatives

Washington, DC 20515-4610

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
TRANSPORTATION

TREASURY—POSTAL SERVICE—GENERAL
GOVERNMENT

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

June 7, 1993

2556

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Fishel:

I have enclosed a copy of a letter I received from my
constituent, James Blanchfield, concerning Federal Communications
Commission NPRM-PR Docket 92-235.

10

8805 Gallant Green Drive
McLean, Virginia 22102
May 26, 1993

The Honorable Frank R. Wolf
House of Representatives
104 Cannon Building
Washington, D.C. 20515

Dear Congressman Wolf:

cites a 2.5kHz bandwidth separation which would require another replacement of all R/C equipment.)

3. How many letters were submitted to the NPRM docket, which closed on May 28, 1993.
4. How many of those letters supported the proposed rulemaking?
5. How many of those letters opposed the proposed rulemaking?
6. How many of those letters that opposed the proposed rulemaking mentioned R/C modeling?
7. How many of the docket letters were answered by the FCC?

Enclosure

Sincerely,


James R. Blanchfield

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 9, 1992.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 92-2725 Filed 11-13-92; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1, 2, 88, 90 and 94**

[Private Radio Docket 92-235; FCC 92-469]

Revision of Regulations on the Private Land Mobile Radio Services; Modification of Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making proposing major policy changes for the private land mobile radio services, particularly for the bands below 512 MHz. The Notice of Proposed Rule Making proposes to require that spectrum efficient technology be adopted by new and existing users, proposes an option for channel exclusivity in the 150-174 MHz and 450-470 MHz bands, proposes consolidation of the private land mobile radio services, and completely rewrites the rules governing the private land mobile radio services. The Notice has three major objectives: To create more mobile communications capacity, to protect all existing users, and to provide for a

smooth and least cost transition to more efficient technologies.

DATES: Comments must be filed on or before February 26, 1993, and reply comments must be filed on or before April 14, 1993.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Doron Fertig, Private Radio Bureau, Land Mobile and Microwave Division, Policy and Planning Branch, (202) 632-6497.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, PR Docket No. 92-235, adopted October 8, 1992, and released November 6, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20037, (202) 452-1422.

Summary of Notice of Proposed Rule Making.

1. The Notice has three major objectives: To create more mobile communications capacity, to protect all existing users, and to provide for a smooth and least cost transition to more efficient technologies. To accomplish these objectives, the Notice proposes eight major changes. First, it would require all private land mobile systems operating on frequencies between 72 and 512 MHz to convert to narrowband technology. To ease the transition to narrowband technology, the Notice proposes a two stage process beginning in 1996 that provides many years for existing systems to fully convert to narrowband technology. In the 450-470 MHz and 470-512 MHz bands, stage one would require existing users to reduce their bandwidth from 25 kHz to 12.5 kHz. This would result in the creation of two 6.25 kHz narrowband channels in addition to each 12.5 kHz channel. Stage two would require existing users to convert their 12.5 kHz assignment into two narrowband channels. In the 150-174 MHz band, stage one would require existing users to reduce their bandwidth to 15 kHz. This would eliminate the overlap of adjacent channels. Stage 2 would split these 15 kHz channels three for one.

2. Second, the Notice proposes an option for licensees to obtain exclusive use of channels between 150 and 470 MHz. The exclusivity option would

employ marketplace forces and incentives to enable licensees to negotiate with existing licensees to convert channels from shared to exclusive use. No existing licensee would be forcibly displaced under this plan.

3. Third, the proposed rules would provide technical flexibility in a regulatory structure designed to maximize the opportunities to use advanced technologies, such as trucking and digital modulations.

4. Fourth, the Notice proposes to reduce permissible power levels in the 150-174 MHz and 450-470 MHz bands, establishing an environment for more efficient co-channel reuse. Flexibility to serve wider areas would be maintained by continuing to permit multiple sites.

5. Fifth, 258 channel pairs in the 150-182 MHz band would be designated for wide-area, highly spectrum efficient operations.

6. Sixth, the Notice proposes to eliminate numerous outdated or burdensome regulations.

7. Seventh, the Notice proposes some consolidation of radio services. The Notice states consolidation is essential to obtain the full benefits of the proposed technical and policy changes.

8. Finally, the Notice proposes replacing part 90 of the Commission's rules with a new part 88. The proposed part 88 is generally simpler and clearer than part 90. The Commission invites all interested parties to comment on the questions raised in this Notice of Proposed Rule Making.

Initial Regulatory Flexibility Analysis**A. Reason for Action**

9. The Commission proposes to: (1) Create new channels by splitting existing channels between 72 and 512 MHz; (2) create a mechanism giving applicants the ability to obtain channel exclusivity in the 150-174 MHz bands; (3) allocate a block of channels for innovative shared use; (4) provide users technical flexibility to convert to higher technology; (5) consolidate the 19 Private Land Mobile Radio services; (6) reduce power and antenna height to increase frequency reuse; and (7) substitute a new part 88 for part 90. These actions will reduce congestion, meet future communications capacity needs and generally permit, facilitate and encourage licensees to be spectrum efficient. These proposals will not unduly burden the public or increase administrative costs, and would improve government efficiency. The specific rules also eliminate certain reporting

requirements. The new part 88 will be much more user friendly than part 90.

B. Objectives

10. We seek to reexamine our general rules and policies for private land mobile radio use in the bands below 800 MHz in order to improve spectrum efficiency, and thus meet the varied communications needs of industry and the public safety community, without excessively burdening existing licensees or increasing administrative costs to the Commission. Overall, these proposed rules would increase efficiency by industry and the public safety community.

C. Legal Basis

11. The proposed action is authorized under section 4(1), 303(g), 303(r), and 331(a) of the Act, 47 U.S.C. 154(i), 303(g), 303(r), and 332(a) (1988).

will reduce interference to all licensees and expand capacity eventually by over 300 percent. That extra capacity will allow existing entities to expand and new entities to meet future mobile communications needs. In total these actions will permit approximately 20 to 30 million additional transmitters to be licensed. We estimate that on average a transmitter and associated hardware and software will be valued at over \$1000. Thus, these proposed rules would cost the public approximately \$500 million, but produce \$20 to \$40 billion in additional equipment sales. Overall, approximately 100,000 currently licensed small entities would be affected both positively and negatively, and approximately 300,000 small entities would be strictly positively affected in the future.

*G. Any Significant Alternatives
Minimizing the Impact on Small Entities*

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before December 16, 1992, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations System, ATTN: Ms. Valorie R. Lee, OUSD(A), 3062 Defense Pentagon, Washington, DC 20301-3062. FAX No. (703) 697-9845. Please cite DAR Case 92-D007 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Valorie R. Lee, Procurement Analyst, DAR Council, (703) 697-7266, FAX No. (703) 697-9845.

SUPPLEMENTARY INFORMATION:

A. Background

The Under Secretary of Defense

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20534

February 18, 1993

IN REPLY REFER TO:
7330-7/1700A3

Honorable Frank R. Wolf
House of Representatives
104 Cannon Building
Washington, D.C. 20515

Dear Congressman Wolf:

This is in reply to your letter of February 3, 1993, in which you inquired on behalf of several of your constituents regarding the Notice of Proposed Rule Making (Notice) in FR 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.

These 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

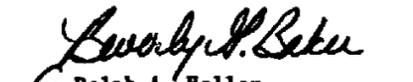
Honorable Frank R. Wolf

2.

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituents' 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 May 28, 1993, and Reply Comments are due July 14, 1993. We expect final rules to be issued in 1994. We urge your constituents to file formal comments on all aspects of the proposals.

Sincerely,


Ralph A. Haller
Chief, Private Radio Bureau

Subject: Radio Control in the 72-76 MHz band

Question: What is the 72-76 MHz band used for?

Answer: The frequency range between 72-76 MHz is primarily a guard band between TV channels 4 and 5. Specifically, the channels between 72 and 76 MHz are licensed for use by 1) private and common carrier fixed station use at up to 300 watts output power /private

Second, the proposed narrowband technical requirements are much stricter than current requirements. Thus, a 2.5 kHz frequency separation between land mobile and radio control users should be adequate given modern radio control equipment and the proposed land mobile equipment.

Third, land mobile operations authorized on the 72-76 MHz band are not car phones. Rather, these channels are used in limited