

- The proposal wrongly places solutions for congested urban areas on uncongested rural areas.

25. Significantly, all of these dissenters suggested alternatives to the FCC's proposal. The majority of the dissenters stated that they would favor the alternative offered in the LMCC Consensus Plan<sup>22/</sup> or proposed solutions similar to LMCC's.<sup>23/</sup>

26. To provide for licensee power levels commensurate with service area requirements, the LMCC Consensus Plan alternative suggested: (1) using a "safe harbor" table of ERP/HAAT combinations; or (2) submitting coverage contour data which demonstrates that the licensee is proposing to use only the minimum power necessary to meet its system requirements.<sup>24/</sup> Interestingly, a commentor urged the FCC to retain the current Part 90 HAAT/ERP limits stating that the FCC merely needs to enforce Section 90.205 of the rules

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<sup>22/</sup> See generally, Coalition at 16; Joint Commentors at 15-17; Motorola at 30; UTC at 44-45; E.F. Johnson at 20; AMRA at 5-6; Forestry-Conservation Communications Association ("FCCA") at 2; IMSA/IAFC/NASEMSD at 5-8.

<sup>23/</sup> See generally, APCO at 3; Coastal at 12; Bell Atlantic Personal Communications, Inc. ("Bell Atlantic") at 4.

<sup>24/</sup> LMCC at 18, 20-21.

requiring applicants to request no more power than the actual power necessary for satisfactory operation.<sup>25/</sup> Should the Commission use the safe harbor table approach, however, it is apparent that further thought must be given to the values to be included in the final format.

**G. API Supports LMCC's UHF and Option A VHF Plans**

27. The standard proposed by the Commission is designed to increase spectrum capacity by 300% to 500% over a specified time table by mandating the use of narrowband channels. Existing transmitters occupy up to 25 kHz, and these channels are spaced from 12.5 kHz to 30 kHz apart. The FCC proposed a two-stage process, ultimately moving from current 25 kHz channelization to 6.25 kHz in the 421-512 MHz bands and to 5 kHz channelization in the 72-76 MHz and 150-174 MHz bands. The proposal also addressed the concept of "stacking" adjacent narrowband channels together for wideband channel uses where such operations would promote efficiency. LMCC proposed a more lenient "graceful transition" plan for moving to narrowband where licensees

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<sup>25/</sup> AICC at 27.

seeking primary status for their 421-512 MHz systems would have to employ "true" 12.5 kHz equipment by 2004.<sup>26/</sup> For the 150-174 MHz band, LMCC suggested two options. Option A calls for mandating 12.5 kHz bandwidths by 2004.<sup>27/</sup> Option B would mandate 6.25 kHz bandwidths by 2004.<sup>28/</sup> The API favors the LMCC 421-512 MHz plan over the FCC proposal.<sup>29/</sup> API favors LMCC's Option A for the VHF band.<sup>30/</sup>

28. With regard to the UHF band, the majority of commentors supported or proposed alternatives similar to LMCC's plan.<sup>31/</sup> In the VHF band, commentors expressed a preference for the concept found in LMCC's Option A.<sup>32/</sup> Not surprisingly, many manufacturers of narrowband equipment

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<sup>26/</sup> LMCC at 7-9.

<sup>27/</sup> LMCC at 10-12.

<sup>28/</sup> LMCC at 13-14.

<sup>29/</sup> API at 21.

<sup>30/</sup> API at 22.

<sup>31/</sup> AAA at 29; AAR at 26; AMRA at 3; APCO at 13; Coalition at 5; Joint Commentors at 12; UTC at 34-35; FCCA at 2; Mitchell at 4; E.F. Johnson at 8; IMSA/IAFC/NASEMSD at 5-6; AICC at 4-6; ATA at 7; Bell Atlantic at 2; Ericsson GE at

either supported the FCC's proposal or suggested that the FCC mandate 5 kHz channels.<sup>33/</sup> Significant opposition to the narrowband course was voiced by commentators arguing that narrowband technology is still unproven and premature.<sup>34/</sup> Additionally, support for spectrum efficient, wideband technologies and an efficiency "equivalence" standard were cited as a reason not to promote mandatory narrowband.<sup>35/</sup> Finally, opponents of swift, mandatory implementation of narrowband stated that the FCC should wait for operating results from the band 220-222 MHz.<sup>36/</sup> There was also a significant call to treat the UHF and VHF bands in the same manner.<sup>37/</sup>

### III. CONCLUSION

29. The API applauds the Commission's tremendous effort in managing the instant proceeding. With similar

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<sup>33/</sup> Advanced Mobilecom, Inc. ("AMI") at 4-8; NTT at 7; SEA at 17; Uniden at 3; Aeronautical Radio, Inc. ("ARINC") at 6, 9-10.

<sup>34/</sup> Ericsson GE at 10-13; Motorola at 35; TIA at 10-13; Coastal at 10.

<sup>35/</sup> NABER at 6; PSI at 5-6; National Association of Broadcasters ("NAB") at 2; SEA at 17.

<sup>36/</sup> AMRA at 3; Motorola at 5; Bendix/King Corporation ("Bendix/King") at 6.

<sup>37/</sup> GEC-Marconi at 14; TIA at 18; Uniden at 3.

energy, the API implores the Commission to fully explore and analyze all of the issues before rendering its final judgement.

30. The API seeks creation of an Industrial Safety Service that should include, but not necessarily be limited to, right-of-way companies, such as pipelines, railroads, public utilities, and other industrial users who also employ their systems for essential safety communications. Many right-of-way licensees are required by other federal regulations, for safety considerations, to provide redundant or highly reliable communications to support their operations. Furthermore, the Comments of entities engaged in refining, manufacturing, forestry operations, and similar activities that also involve potentially hazardous conditions generally indicate that they wish to be included in such a category.

31. The API also supports the provision of competitive frequency coordination services with the understanding that frequency recommendations retain their advisory character. The API notes that many Commentors urge the Commission to establish criteria for frequency coordination certification, and to mandate the use of effective data processing techniques.

32. The API supports the introduction of 12.5 kHz equipment in the UHF and VHF spectrum consistent with the program outlined in the Consensus Plan of the Land Mobile Communications Council ("LMCC"). Regarding the VHF band, the API specifically endorses adoption of Option A described in the LMCC Consensus Plan. The LMCC proposal for using a table format for governing antenna height above average terrain ("HAAT") and transmitter effective radiated power ("ERP") is also supported with the understanding that users having special requirements will be provided an effective means of securing an exception to any general limitations.

33. The API is opposed to the creation of a VHF innovator block, and urges the Commission to seize the opportunity presented in this proceeding to allocate specific VHF channels for emergency response communications. A majority of Commentors support the API's position on abandoning the innovator shared block proposal.

34. In view of the broad range of issues examined in this proceeding, the API urges the Commission to seek further comments on controversial issues before concluding this matter. Even if soliciting further comments such as

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HAAT/ERP restrictions requires adoption of a First Report