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

Amendment of Parts 15 and 90)
of the Commission's Rules to)
Provide Additional Frequencies) ET Docket No. 93-235
for Cordless Telephones)

COMMENTS

American Telephone and Telegraph Company ("AT&T") respectfully submits the following Comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 93-422, released September 17, 1993.

AT&T supports the proposal in the NPRM to allocate 30 new frequencies (15 duplex channels) in the 44 MHz and 49 MHz region of the spectrum for use by cordless telephones on a shared basis with the presently authorized use of those frequencies by the Private Land Mobile Radio Service ("PLMRS"). As the NPRM notes (¶¶ 3, 7), relief is needed from the congestion experienced on the presently available ten channels assigned to cordless telephones. Moreover, absent additional channels, the crowding problem will become worse as the growth in cordless telephone usage noted by the Commission (id.) continues. Tens of millions of cordless telephones are expected to be sold during the 1993-1995 time frame.

The proposal for additional frequencies is sound for several reasons. Since these frequencies are near to those currently allocated to cordless telephones, it will be

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technologically and economically possible to produce sets that can use both the present and the new frequencies.¹

The proposed new frequencies are also suitable for cordless telephones because the PLMRS usage, although primary and at higher power, will not likely cause a great degree of interference to cordless telephones in the major urban areas where the need for additional capacity is most urgent.² Of the 30 frequencies, 15, designated for the cordless base transmitter, are allocated to the Motor Carrier Radio Service.³ It is likely that the eligible users of these frequencies are persons furnishing common or contract carrier transportation between urban areas and a limited category of such transportation within an urban area.⁴ The 15 remaining frequencies, designated for the cordless handset transmitter,

¹ As the Commission recognized (NPRM, ¶ 8), cordless telephones operating at higher frequencies than those proposed would be more expensive. The cordless telephones operating in the 902-928 MHz band are priced around \$300-\$400, compared to a typical price of approximately \$60-\$100 for a 46/49 MHz set.

² Of course, cordless telephones must accept interference from operations of an authorized radio station, § 15.5(b), 47 CFR § 15.5(b). This point is reinforced by the proposal in the NPRM that the cordless telephone operation is secondary to the PLMRS usage; secondary operations are not protected against interference from primary operations, § 90.7, 47 CFR § 90.7.

³ § 90.89(b), 47 CFR § 90.89(b).

⁴ § 90.89(a), 47 CFR § 90.89(a). Motor Carrier Radio Service frequencies cannot be used by taxicabs, livery vehicles, school buses, charter vehicles and sightseeing vehicles.

are allocated to both the Petroleum Radio Service⁵ and the Forest Products Radio Service.⁶ It is unlikely that the oil field, refinery and pipeline activities covered by the first of those services,⁷ and the logging, tree farming, timber hauling and related manufacturing of lumber, plywood and wood pulp products covered by the second of these services,⁸ would occur in major metropolitan areas. Moreover, only a small amount of frequency usage by these industries would be at night or on weekends, when cordless usage is at its highest levels.

The 30 frequencies can be used by cordless telephones on a secondary basis without impairing the usefulness of the frequencies to the primary PLMRS users. Legally, cordless telephones cannot interfere with authorized services.⁹ If such interference occurs, the cordless telephone user must cease operations upon notification by the Commission that it is causing harmful interference and cannot resume operation until such interference is eliminated.¹⁰ As

⁵ § 90.65(b), 47 CFR § 90.65(b).

⁶ § 90.67(b), 47 CFR § 90.67(b).

⁷ § 90.65(a), 47 CFR § 90.65(a).

⁸ § 90.67(a), 47 CFR § 90.67(a).

⁹ § 15.5(c), 47 CFR § 15.5(c).

¹⁰ § 15.5(b), 47 CFR § 15.5(b). The definition of secondary operation in Part 90 (§ 90.7, 47 CFR § 90.7) also provides that such operation cannot cause interference to primary operations.

a practical matter, because PLMRS equipment operates at much higher power than cordless telephones, it will predominate over the cordless telephones. The only exception is where the PLMRS receiver is within a few hundred feet of a cordless telephone and at the end of its range. This rarely occurs, however, because, as noted above, the frequencies are seldom used by the PLMRS in major urban areas and even less at those times when cordless telephone usage is highest.

The small possibility of interference to PLMRS operation is further reduced by the requirement in the proposed rule (§ 15.233(b)(2)) that cordless telephones operating on the new frequencies contain an automatic channel selection mechanism that will prevent establishment of a link on an occupied frequency.¹¹ Although, as the Commission recognized (fn. 11), this requirement does not mean that the cordless telephone must cease using a channel that a PLMRS user is trying to access, this situation will not result in interference from the cordless telephone to the PLMRS user. Rather, PLMRS equipment, because of its higher power, will seize the channel and prevent its use by the cordless telephone user who will be forced to seek another channel.

¹¹ In response to the Commission's request for comment on implementing this requirement by means of the application for equipment authorization (NPRM, ¶ 14), AT&T suggests that § 15.233(b)(2) be expanded to provide that applications for authorization of cordless telephones using one or more of the new frequencies must contain an attestation of compliance with this section.

Finally, the NPRM discusses the relationship between this docket and the pending petitions for reconsideration of the offset channel rule (NPRM, ¶¶ 17-20). AT&T joined other parties in support of those petitions on the basis that the offset channel rule will not increase the number of cordless telephones that can operate in a geographic area. AT&T agrees with the Commission that the offset channel issue should be considered concurrently for cordless telephones using the existing and the new channels, so that there will be a uniform rule. AT&T supports the rule as proposed (§ 15.233(b)), which does not permit offset channel operation on any of the old and new frequencies.

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CONCLUSION

For the reasons discussed above, the Commission should adopt the rule proposed in the NPRM with the change suggested in these Comments.

Respectfully Submitted,

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