

**ORIGINAL**

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**In the Matter of**

**Amendment of the Commission's  
Rules to Establish New Personal  
Communications Services**

)  
)  
) **General Docket No. 90-314**  
) **RM-7140, RM-7175, RM-7618**  
)

**To: The Commission**

**STATEMENT OF PARTIAL SUPPORT  
AND PARTIAL OPPOSITION**

The American Petroleum Institute ("API"), by its attorneys, pursuant to the invitation of the Federal Communications Commission ("FCC" or "Commission"), hereby submits this Statement in Partial Support and Partial Opposition to the Petitions for Reconsideration ("Petitions") filed in General Docket No. 90-314, and referenced in the Commission's Public Notice of December 13, 1993.<sup>1/</sup>

**I. INTRODUCTION**

1. The American Petroleum Institute is a national trade association representing over 300 companies involved in all aspects of the oil and gas industries, including exploration, production, refining, marketing and pipeline transportation of petroleum, petroleum products and natural gas. Among its many activities, API acts on behalf of its members as spokesperson before federal and state regulatory agencies and legislative bodies.

<sup>1/</sup> 58 Fed. Reg. 65595 (December 15, 1993).

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2. API has participated in every phase of this proceeding and remains concerned about the relocation of fixed microwave licensees from current spectrum assignments which offer the reliable telecommunications capabilities necessary to perform sensitive petroleum and natural gas production and pipeline transportation functions. API also remains concerned with the feasibility of spectrum sharing between Personal Communications Services (PCS) and Private Operational-Fixed Service (POFS) licensees during the transition period, and urges the Commission to proceed carefully in order to ensure minimal disruption of POFS operations. Accordingly, API filed a Petition for Reconsideration in this proceeding asking that the Commission defer adoption of a PCS/POFS interference calculation standard until a single industry-wide consensus standard could be completed, and asked that the Commission adopt specific and independent frequency coordination requirements for PCS licensing.

## **II. COMMENTS**

### **A. A Single PCS/POFS Interference Standard Should be Adopted.**

3. API is pleased to note that other organizations have filed Petitions for Reconsideration which are in accord with API's Petition which seeks establishment of a single, uniform interference analysis standard to be employed for shared PCS/POFS operations during the transition period.<sup>2/</sup> API remains convinced that adoption of a single interference standard will diminish

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<sup>2/</sup> See generally, Petitions of Telecommunications Industry Association (TIA) (Fixed Point-to-Point Communications Section); Alcatel Network Systems (Alcatel); Utilities Telecommunications Council (UTC).

interference potential to POFS operations during the transition period, and will also provide a level of certainty for PCS system design, thereby fostering expeditious PCS deployment.

4. API is in agreement with TIA that its forthcoming Bulletin 10-F standard for PCS/POFS interference analysis will represent a broad consensus of the industry. Accordingly, API believes that Bulletin 10-F could provide an adequate and widely accepted standard. Moreover, API agrees with TIA that the FCC's proposed interference analysis method set forth in Appendix D to the Second Report and Order should only be used as an interim measure until a single consensus approach is adopted. API also agrees with TIA that this "interim method" should be modified to more closely reflect the emerging consensus standard being finalized by TIA. API further notes that it is not alone in seeking the FCC's adoption of a requirement that any deployment of PCS facilities into a shared microwave environment may take place only subsequent to coordination by a third party.<sup>3/</sup> In order to insure that proper coordination is accomplished, the Commission must require that an independent interference analysis accompany each PCS application. Since the Commission has successfully administered this type of procedure in virtually all shared frequency bands, it would be well advised to adhere to this proven procedure in the more difficult POFS/PCS shared environment.

5. API finds unconvincing the arguments of certain Petitioners that POFS system designs feature excessive interference protection margins and that

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<sup>3/</sup> UTC Petition at 17.

the Commission's interference standards should be further relaxed.<sup>4/</sup> This issue has previously been reviewed by the Commission. It is apparent that the Commission agrees that the interference protection methodologies employed for fixed microwave systems are both reasonable and workable. Because of the critical nature of the communications carried on POFS systems operated in 2 GHz spectrum, these facilities cannot tolerate any appreciable levels of interference. Inasmuch as this issue has been raised on prior occasions and disposed of by the Commission, and no new facts or arguments have been presented, it is respectfully submitted that the Commission should, once and for all, reject with finality this very tired argument.

**B. Any Modification of Allowable PCS Base Station Transmission Power Levels Must Ensure Adequate Protection to Incumbent Fixed Licensees.**

6. Several petitioners have sought reconsideration of the PCS base station transmit power limits.<sup>5/</sup> API does not specifically object to any particular PCS base station power limitation proposal, provided that clear PCS/POFS interference criteria exist and are enforced; and provided that independent coordination of proposed PCS systems is required as a prerequisite to system authorization, construction and operation. Nonetheless, API reminds the

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<sup>4/</sup> See generally, Petitions of Bell Atlantic Personal Communications; Motorola, Inc.; and American Personal Communications (APC).

<sup>5/</sup> See generally, Petitions of Motorola; Telocator; Time Warner Telecommunications; MCI Corporation; American Personal Communications, Sprint Corporation; U.S. West.

Commission that higher PCS base station transmit power levels could increase the likelihood for the creation of objectionable interference to POFS operations and, accordingly, API urges the Commission not to authorize any higher PCS base station power output levels unless strict interference avoidance criteria are adopted and vigorously enforced.

7. API questions the assertion of several petitioners that the allowance of higher base station transmit powers is necessary to allow PCS operators to compete financially with SMR and cellular operations. Throughout this proceeding, PCS proponents have characterized PCS as a range of "new services" offering numerous capabilities which differ from and which enhance traditional SMR and cellular communications service offerings. API therefore questions the validity of sudden assertions by PCS proponents that they are not offering a new service, but are simply competitors to preexisting services and must, therefore, be placed on a level technological playing field with more traditional mobile service providers. API believes that the economic arguments now advanced by PCS proponents in support of higher power operations are not relevant to this proceeding.

8. API is also greatly concerned that at least one petitioner seeks Commission authorization to deploy higher powered "vehicular mobile" and "temporary base" facilities.<sup>6/</sup> Again, PCS has been touted as a "new service" not simply another "standard vehicular" mobile telecommunications service. The specific service configurations proposed by MCI have not been analyzed

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<sup>6/</sup> MCI Petition at 7-10.

previously in this proceeding. Moreover, authorizations to deploy vehicular mobiles with high power levels will significantly heighten the potential for interference to POFS operations and, therefore, API opposes such deployment in a shared spectrum environment unless it can be demonstrated that POFS interference protection criteria can be met by systems deploying such units. Also of particular concern to API is the suggestion that "temporary base" facilities with high power levels should be allowed.<sup>7/</sup> In a shared spectrum environment where careful coordination is an absolute necessity, it is inconsistent to allow licensing of high powered PCS base stations at temporary locations unless adequate coordination of such facilities and prior notification to potentially affected fixed licensees is accomplished on the same basis as is required for permanent facilities. Unless this coordination is mandatory, API is opposed to MCI's request that such facilities be authorized.

**C. The Commission Must Adopt a Spectrum Etiquette for Unlicensed PCS Which Provides Maximum Protection to Adjacent Spectrum Users.**

9. API has reviewed the discussions of several petitioners concerning the Commission's adoption of spectrum etiquette regulations for unlicensed PCS (U-PCS). These petitioners offer varying suggestions concerning Commission "fine tuning" of out-of-band emission limitations, emission masks, precise frequency stability measurements and the method adopted to provide for

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<sup>7/</sup> Id.

spectrum access by unlicensed devices.<sup>8/</sup> While API takes no specific position on the spectrum etiquette methodology selected by the Commission, API seeks Commission assurances that, whatever method may finally be adopted, it will provide maximum interference protection to the operations of adjacent channel POFS licensees. Adjacent channel interference is a serious concern that must be addressed in a constructive manner. While this issue is currently being carefully studied by TIA, the Commission must also acknowledge that this problem requires resolution prior to U-PCS deployment.

10. API takes no specific position on whether the Unlicensed ad hoc Committee for 2 GHz Transition and Management (UTAM) should be an exclusive U-PCS spectrum entry management entity,<sup>9/</sup> or whether UTAM should be involved in the U-PCS equipment type acceptance process.<sup>10/</sup> API understands that any plan put forward by UTAM for U-PCS deployment and coordination will be subject to public notice and comment. Accordingly, API believes that it is premature to comment on such issues at this time.

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<sup>8/</sup> See, e.g., Comments of Motorola, Rockwell Communications International, Inc., Apple Computer, Inc. (Apple), Ericsson and Northern Telecommunications, Inc.

<sup>9/</sup> Apple Petition at 4. While API does not object to the selection of UTAM as the entity responsible for overall management of the entry of U-PCS operations into the band, API **does not** understand that the Commission intends that UTAM's potential responsibility would include the provision of engineering analyses for migration of incumbents to alternate spectrum assignments. In such instances, the choice of engineering service vendor must remain with the incumbent licensee.

<sup>10/</sup> Petition of UTAM at 6-7.

Nonetheless, API agrees with the Commission that proposals affecting UTAM or another U-PCS management organization must be made available for public comment and that any such procedures adopted by the Commission and/or UTAM must ensure adequate interference protection to adjacent channel fixed operations.

**D. API Supports an MSS Spectrum Reserve But Believes That Adequate Spectrum Already Has Been Allocated for This Service.**

11. Certain satellite interests seek reallocation of additional 2 GHz spectrum to the mobile satellite service (MSS).<sup>11/</sup> API agrees that satellite-based telecommunication systems may offer a wide range of valuable services including mobile voice, facsimile and data messaging capabilities.<sup>12/</sup> Nevertheless, as the Commission previously has allocated spectrum for such services,<sup>13/</sup> it appears that an adequate spectrum reserve for the development of mobile satellite service offerings has been established, and no further consideration should be given to another MSS allocation at this time.

**E. Requests for the Establishment of a Private PCS Spectrum Allocation as Well as For a Common Air Interface Standard Have Merit.**

12. Certain petitioners seek a spectrum allocation in which to establish private PCS systems for those entities with reliability needs which may not be met

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<sup>11/</sup> See generally, Petitions of AMSC Subsidiary Corporation and TRW, Inc.

<sup>12/</sup> See API Comments in FCC Docket No. 92-28 (December 4, 1992).

<sup>13/</sup> See Public Notice in ET Docket No. 92-28, DC-2452 (December 13, 1993).

by public PCS offerings.<sup>14/</sup> API agrees that these requests have merit and should be given serious consideration. Many of the critical telecommunications operations conducted by API member companies cannot be transferred to public systems due to service reliability concerns. Since the reliability demands of large industrial, public safety and other users potentially could be met by PCS systems, API believes that a spectrum allocation for private PCS systems is warranted. API believes that spectrum from the federal government 2 GHz band could offer an appropriate location for such an allocation.

13. API supports the request of TIA's Mobile and Personal Communications Services Division that the Commission establish uniform common air interface (CAI) standards for PCS.<sup>15/</sup> API agrees with TIA that interoperability of equipment and/or systems offered by various vendors and service providers will enhance acceptance of PCS services by both public and private users, and will heighten the value of PCS services, since interoperability and "seamless" service capabilities will be made possible. Accordingly, API supports early adoption of a uniform CAI standard.

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<sup>14/</sup> See UTC Petition at 2-5; Petition of Association of Public-Safety Communications Officials-International (APCO) at 3-6.

<sup>15/</sup> TIA Mobile/PCS Division Petition at 2-4.

### **III. CONCLUSION**

14. For the reasons explained above, the American Petroleum Institute urges the Federal Communications Commission to take whatever action is necessary to insure that deployment of PCS will occur with a minimum of disruption to incumbent fixed operations. Moreover, API supports a separate allocation to private PCS operations, and urges the Commission to adopt CAI standards at an early date.

**WHEREFORE, THE PREMISES CONSIDERED,** the American Petroleum Institute respectfully urges the Federal Communications Commission to act in a manner consistent with the foregoing discussion.

Respectfully submitted,

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Dated: January 3, 1994

**CERTIFICATE OF SERVICE**

I, Terri Thomas, a secretary in the law firm of Keller and Heckman, do hereby certify that a copy of the foregoing Statement of Partial Support and Partial Opposition has been served this 3rd day of January, 1994 to the following:

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