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February 16, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Honorable Bill Bradley
United States Senate
731 Hart Senate Office Building
Washington, D.C. 20510-3001

Dear Senator Bradley:

Thank you for your letter of November 22, 1993, to then-Chairman James Quello concerning the Commission's Notice of Proposed Rulemaking (Notice) in PR Docket No. 93-61, to develop regulations for Automatic Vehicle Monitoring (AVM) systems operating in the 902-928 MHz band. You express concern about the potential adverse impact this proceeding may have on the development of Intelligent Vehicle Highway Systems and on the deployment of electronic toll and traffic management systems in particular. I share your concerns and can assure you that it is not our intention in this proceeding to inhibit the development of such systems. The following is a brief description of the current use of the 902-928 MHz band and a brief summary of the FCC's proposals in the Notice.

AVM systems are used, among other things, for locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, electronic toll collection, and freight tracking. Currently, AVM systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the FCC proposed to replace the existing interim rules to enhance the use of the band and create a more stable regulatory environment for operation of AVM systems. See Notice of Proposed Rulemaking, PR Docket No. 93-61, 8 FCC Rcd 2502 (1993). The FCC proposed that AVM systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles. We also recognize the difficulty various AVM systems may have in sharing this band. The Commission, therefore, requested comment on whether it is feasible for the different types of AVM systems to share the 902-928 MHz band or whether some degree of channel exclusivity should be granted to certain systems.

In addition to AVM systems, the 902-928 MHz band is shared by other user groups. In order to manage the shared use of this spectrum effectively, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from, and may not cause interference to, users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, and Fixed and Mobile services. These Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 devices (e.g., cordless telephones, wireless

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local area networks, and wireless inventory systems) that are eligible to operate in this band.

As you can see, the number and diversity of users of the 902-928 MHz band make this an especially complex proceeding. It is also a proceeding that will have a far-reaching effect on the development of Intelligent Vehicle Highway Systems and our nation's transportation infrastructure in general. In this regard my fellow Commissioners and I share your concern that any regulatory scheme for AVM services provide for the multiple and diverse technologies needed to implement electronic toll and traffic management systems. Our policy toward the mobile services has always been to ensure that a broad array of service offerings are available to the public and that the latest advanced radio technologies can be fully developed. While I do not want to prejudice the Commission's decision in this proceeding, I can assure you that we shall carefully consider the concerns raised in your letter in our deliberations.

I thank you again for your interest in this matter and hope that you will continue to share your thoughts and suggestions with me on this or any other matters of concern to you.

Sincerely,

Reed E. Hundt
Chairman

FRANK R. LAUTENBERG
NEW JERSEY

United States Senate

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PRB 93-61 PV REH 4779

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November 22, 1993

Honorable James Quello
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Chairman:

We write to express our concern regarding the Commission's pending rulemaking proceeding on Automatic Vehicle Monitoring ("AVM") services, PR Docket 93-61, and its potential adverse impact on the deployment of electronic toll collection and other advanced traffic management systems.

As you may know, the Intelligent Vehicle-Highway Systems Act of 1991, 23 U.S.C. Section 307 note, established implementation of such systems as a national policy goal to: enhance the capacity, safety and efficiency of America's highways; reduce air pollution, energy consumption, and traffic congestion; and promote American industrial and economic competitiveness. Congress has authorized the appropriation of over $113 million annually through 1997 to help fund this overall program. Many promising projects of this kind are already underway, including the implementation of an interoperable, region-wide electronic toll collection system that will serve the major thoroughfares in our states.

We have heard from several concerned sources that the Commission's proposed spectrum allocation and licensing scheme in its Notice of Proposed Rulemaking would limit current options among the various available technologies which might be used to implement electronic toll and traffic management systems.

We are concerned that such a limitation will inhibit, rather than advance, deployment of electronic toll and other advanced traffic management systems throughout the country, as mandated by Congress in the IVHS Act. Toward that end, we urge the Commission to carefully consider its tentative proposed rules in light of their potential effect on the implementation of the IVHS Act.

We will continue to follow the progress of the AVM rulemaking with great interest.

REPLY TO:

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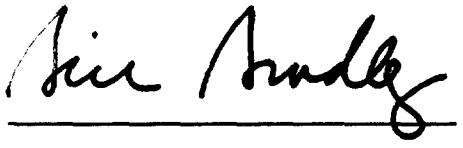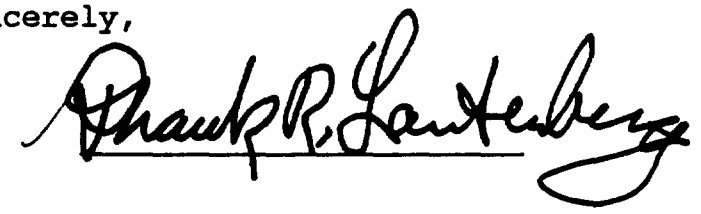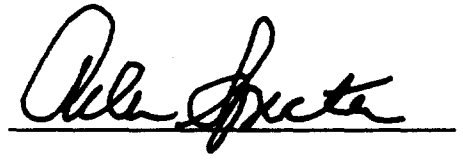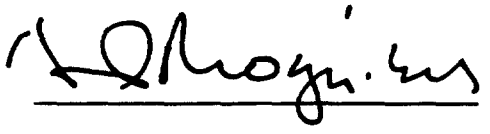
Sincerely,