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July 6, 1994

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY Ex Parte

Re: PR Docket No. 92-235

Dear Mr. Caton:

Pursuant to Section 1.1206 of the Commission's Rules, this is to notify you that the following individuals, representing the organizations indicated, met yesterday with the Chief of the Private Radio Bureau and his staff to discuss several of the issues in PR Docket No. 92-235 on the "refarming" of the Private Land Mobile Radio bands below 512 MHz:

Association

Representatives

American Petroleum Institute

Wayne Black, Esq. and Joseph Sandri, Esq.

Association of American Railroads

Hugh Henry and Thomas Keller, Esq.

Association of Public-Safety Communications Officials-International, Inc.

Robert Gurss, Esq.

Industrial Telecommunications Association, Inc.

Mark Crosby and Fred Day, Esq.

National Association of Business and Educational Radio, Inc.

Don Vasek and Allen Tilles, Esq.

Utilities Telecommunications Council

Carl Greenway and Jeffrey Sheldon, Esq.

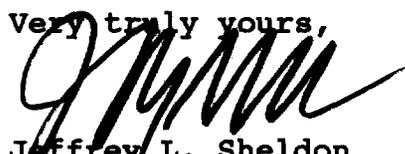
Attached to this notification is a copy of a letter which was hand-delivered to the Bureau and which summarizes the issues discussed during this meeting.

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Mr. William B. Caton
July 6, 1994
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The original and one copy of this notification are being filed for the record. If there are any questions concerning this notification, please communicate with the undersigned.

Very truly yours,



Jeffrey L. Sheldon
General Counsel

Attachment

cc (w/o attachment):
Ralph Haller, FCC
Joseph Levin, FCC
Doron Fertig, FCC

RECEIVED

JUL 7 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

July 5, 1994

Hand Delivery

Ralph A. Haller
Chief, Private Radio Bureau
Federal Communications Commission
Room 5002
2025 M Street N.W.
Washington, D.C. 20054

Re: PR Docket No. 92-285: "Reforming" of the Private Land Mobile Frequency Bands Below 512 MHz.

Dear Mr. Haller:

Over the past three years, the users of private land mobile radio have carefully evaluated their positions on the "refarming" of the frequency bands below 512 MHz. More than anyone, the user community will realize the gains, and bear the burden, of whatever technical changes you and your staff devise. While we stand ready to implement significant change, we must ensure that our collective need for access to the spectrum is accommodated.

The associations subscribing to this letter collectively represent the vast majority of private land mobile radio users in the United States. We have discussed the refarming initiative both within our respective organizations and with each other to see if consensus can be reached on these important issues. Four overriding principles have guided our efforts in developing a consensus position:

- The need for interoperability between systems and users
- Implementation of a graceful migration plan that will permit time-phased implementation without wholesale system changeouts, including protection for critical UHF offset systems
- Reliance on radio technology that has been proven in the current radio environment and having user-required features
- Continued availability of affordable radio equipment

The refarming proceeding promises real benefits to users in terms of enhanced utilization of extremely important, but very mature, frequency bands. Nothing must be done, however, that undermines the current utility of existing communications systems. The frequency bands under consideration in this proceeding already accommodate more than 12 million transmitting devices, many of which are part of sophisticated networks designed to protect our nation's citizenry and improve the operational efficiency of our nation's businesses. This is hardly an inefficient use of these most intensively used bands! While the user community is prepared to advance the goal of improved spectrum efficiency -- a goal that we have well supported in the past through actions too numerous to mention here -- our need for advanced communications technologies must take precedence and cannot be compromised by "pie-in-the-

sky' predictions on technological trends for the next 20 years. User choice and flexibility must remain a priority.

A user consensus has been reached on a framework for an optimal refarming plan. The fundamental premise of this plan is the complete migration to technology designed to operate within 12.5 kHz channels by the year 2005 with the implementation of specific channeling plans left to the various user groups representing the various radio services. This would allow, for example, the railroad and utility industries to adopt the offset overlay channeling plan developed by the railroads for the 150 MHz band while leaving the public safety community free to implement its own plan for those frequencies. Equipment manufacturers tell us that this flexibility should not negatively affect equipment compatibility or reduce the associated economies of scale.

We believe this consensus to be historic in scope. When before has the FCC ever had an industry segment come forward and state its willingness to replace embedded equipment having an estimated value of 15 to 20 billion dollars for the sake of spectrum efficiency?

Please review the attached white paper explaining our consensus positions on the refarming issue. We look forward to discussing with you these issues more fully so that we may achieve our mutual goal of improving the communications options for the private land mobile user community.

Sincerely,

American Petroleum Institute

By: /s/ Wayne Black
Wayne Black, Esq.
Its Attorney

Association of American Railroads

By: /s/ Hugh B. Henry
Hugh B. Henry
Executive Director
Communications and Signal Division

American Trucking Associations, Inc.

By: /s/ Gustav E. Gyllenhoff
Gustav E. Gyllenhoff
Communications-Electronics
Specialist

**Association of Public Safety
Communications Officials-
International, Inc.**

By: /s/ James R. Rand
James R. Rand
Executive Director

**Industrial Telecommunications
Association, Inc.**

By: /s/ Mark E. Crosby
Mark E. Crosby
President and Managing Director

Utilities Telecommunications Council

By: /s/ Jeffrey L. Sheldon
Jeffrey L. Sheldon, Esq.
General Counsel

**National Association of Business and
Educational Radio, Inc.**

By: /s/ Emmett B. Kitchen, Jr.
Emmett B. Kitchen, Jr.
President

Attachments:

**Consensus Position of Private Land Mobile Users
Background on Each of the User Associations**

CONSENSUS POSITION OF PRIVATE LAND MOBILE USERS

PR DOCKET NO. 93-235: PRIVATE LAND MOBILE REFORMING

REFORMING IS A CRITICALLY IMPORTANT ISSUE FOR USERS: In its Refarming proceeding, the FCC is proposing to reduce the authorized bandwidth of private land mobile radio channels in frequency bands below 512 MHz from the current 25 kHz or 30 kHz to 12.5 kHz and, eventually, either 5 kHz or 6.25 kHz. According to the *Notice of Proposed Rule Making*, these proposals are largely designed to increase channel capacity and promote more efficient use of these frequency bands.

No one understands and appreciates the need for refarming better than the user community. It is the users that have deployed over 12 million transmitters in these frequency bands and they are well aware of the congestion and interference currently being experienced on these frequencies. At its heart, the goal of refarming should be to provide users with more effective communications options.

REFARMED SPECTRUM MUST BE ABLE TO SATISFY A WIDE VARIETY OF USER NEEDS: The users of private land mobile radio represent a multitude of diverse industries and government services including police and fire departments, highway authorities, the trucking and land transportation industries, the railroad industry, petroleum and utility companies, large industrial users and even small businesses. Each of these industry groups has developed specialized needs for private land mobile radio to help fulfill their everyday missions. In many instances, effective private land mobile communications are simply a matter of life and death.

The FCC's first priority must be accommodation of the various ways users rely on private land mobile radio. These frequencies support sophisticated communications networks transmitting over statewide or larger regional service areas. These networks are far more involved than simple voice dispatch systems covering two or three trucks. The total user investment in private land mobile radio equipment for frequencies below 512 MHz exceeds 15 billion dollars!

REFORMING CANNOT BE BASED UPON UNTESTED TECHNOLOGIES OR PREMATURE PREDICTIONS OF FUTURE EQUIPMENT CAPABILITIES AND USER NEEDS: The user community is greatly concerned that the FCC is proceeding along a path that could significantly limit our flexibility to deploy advanced or even competing technologies. Mandating channelwidths at less than 12.5 kHz will likely significantly reduce the utility of these bands for advanced services. Further, we see no evidence that significant advances in technology will occur in the near future to allow advanced communications systems to operate efficiently in lesser bandwidths. Even if possible, the FCC must remember that over 12 million transmitters are currently operating in this most intensively-used spectrum. There is no migration path for users to replace the imbedded equipment with radios operating on channels less than 12.5 kHz wide. On the other hand, the migration to 12.5 kHz equipment will likely allow existing users to gradually replace existing equipment with compatible equipment.

The FCC should not mandate technological changes unless it can document that those changes will not adversely affect the availability of advanced products that satisfy our needs. In our view, mandating land mobile channels less than 12.5 kHz may render this spectrum useless for all but the simplest of voice systems and hasten the already critical need for new spectrum for advanced applications. At the same time, the cost of such equipment may place it out of reach of many of these same users! Without verifiable evidence to the contrary, the risks are too great to proceed in such a manner.

THE USER COMMUNITY HAS DEVELOPED A CONSENSUS PLAN TO ACHIEVE OPTIMAL REFORMING BENEFITS: The consensus position of the user community is to reduce channelwidths to a consistent 12.5 kHz in the 150-174, 450-470 and 470-512 MHz bands. If adopted by the FCC, this action will:

- 1) Increase the number of primary land mobile channels in these bands by at least 60 percent
- 2) Preserve user flexibility to deploy efficient data communications
- 3) Provide a smooth migration path for users of existing equipment
- 4) Enhance interoperability between public safety and federal government agencies
- 5) Improve significantly the grade of service for existing users
- 6) Ensure a competitive and multiple-source U.S. manufacturing industry
- 7) Foster the use of multiple competitive technologies
- 8) Allow deployment of new communications technologies as they are developed

MIGRATION PLAN: The consensus position of the private land mobile user community is to reform the spectrum in the following manner:

- Allow user groups to tailor specific 12.5 kHz channeling plans to satisfy the needs of specific radio services; e.g., public safety.
- January 1, 1996: New users/systems must use equipment designed to operate within 12.5 kHz channels. Existing systems, including those using any UHF offset channels, will not be placed in jeopardy.
- January 1, 1996: All equipment type accepted by the FCC must be capable of operating within 12.5 kHz channels.
- January 1, 2005: Existing users would be required to use equipment designed to operate within 12.5 kHz channels. This may require the shifting of center frequencies to coincide with new channeling plans. All licensees not using 12.5 kHz equipment may continue to operate on a non-interference basis. The FCC should also give special consideration to users in rural areas where frequency congestion has not been a problem.

The user community would support future study (for example, in the 1999 timeframe) to review users' then current and projected needs, the state of technology, and the prospects for additional efficiency gains. Because most new industrial applications are expected to be for data, channels should not be split further until users can be assured of data throughput on very narrowband channels at rates comparable to that which can be achieved with today's channel bandwidths.

If adopted by the Commission, the benefits of reforming will be introduced to the user community in the most benign fashion possible and with great certainty on the continued availability of competing and diverse advanced technologies.

BACKGROUND ON EACH OF THE USER ASSOCIATIONS

The **AMERICAN PETROLEUM INSTITUTE (API)** is a national trade association representing approximately 900 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing, and 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. The API Telecommunications Committee is one of the standing committees of the organization's Information Systems Committee. The Telecommunications Committee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the oil and gas industries.

The **AMERICAN TRUCKING ASSOCIATIONS, INC. (ATA)**, located at 2200 Mill Road, Alexandria, Virginia, is a federation with affiliated associations in every state and the District of Columbia. In the aggregate, ATA represents every type and class of motor carrier in the country, for-hire and private. As the national representative of the trucking industry, ATA is vitally interested in any regulation affecting the operation of the nation's trucking fleet. ATA has continually represented the Motor Carrier Radio Service (MCRS) licensee's before the FCC, and served since the inception of the MCRS as its nationwide frequency coordinator.

The **ASSOCIATION OF AMERICAN RAILROADS (AAR)** is a voluntary, non-profit organization composed of member railroad companies operating in the United States, Canada and Mexico. AAR is the joint representative of these railroads on federal regulatory matters, including communications regulation, and AAR functions as the railroad industry's frequency coordinator for mobile radio and other radio-based facilities. U.S. railroads operate over 18,000 mobile base stations throughout the nation, together with over 200,000 portable radios, mobile radios and other mobile communications devices.

The **ASSOCIATION OF PUBLIC SAFETY COMMUNICATIONS OFFICIALS-INTERNATIONAL, INC. (APCO)** is the nation's oldest and largest public safety communications organization, with over 10,000 members involved in the management and operation of police, fire, emergency medical, forestry conservation, disaster relief and highway maintenance communications systems. APCO is the FCC-certified frequency coordinator for Part 90 Police, Local Government, and Public Safety Pool channels. APCO is also the sponsor of Project 25, a joint Federal/State/local effort to establish standards for digital public safety radio equipment.

The **INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC. (ITA)** is a national trade association comprised of more than 9,000 corporations, partnerships, and individuals licensed by the FCC to operate industrial telecommunications facilities throughout the United States. ITA is the Commission's certified frequency coordinator for the Special Industrial Radio Service and the Industrial/Land Transportation 800/900 MHz frequency "pools." Customers of ITA's frequency advisory services include entities from the energy, construction, agriculture, transportation, publishing, private carrier and entertainment industries.

The **NATIONAL ASSOCIATION OF BUSINESS AND EDUCATIONAL RADIO (NABER)** is a national, non-profit trade association that represents the interests of large and small businesses that use land mobile radio communications as an important adjunct to the operation of their businesses and that hold thousands of licenses in the private land mobile services. NABER has six membership sections representing users, private carrier paging licensees, radio system integrators, specialized mobile radio operators, tower site owners and managers and radio technicians. NABER is also the FCC-certified frequency coordinator for the Business Radio Service.

The **UTILITIES TELECOMMUNICATIONS COUNCIL (UTC)** is an international association representing the telecommunications interests of electric, gas, and water utilities and natural gas pipelines. Approximately 2,000 utilities and pipelines are members of UTC, ranging in size from large combination electric-gas-water utilities serving millions of customers each to small electric cooperatives and water districts serving a few thousand customers each. UTC's areas of interest include private land mobile radio, private microwave, distribution automation technologies, and fiber optics. UTC is also the FCC-certified frequency coordinator for the Power Radio Service.