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August 4, 1994

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

William Caton, Secretary  
Federal Communications Commission  
1919 M Street, NW  
Room 222  
Washington, DC 20554

Re: PR Docket No. 92-235  
Ex Parte Meeting of August 4, 1994

Dear Mr. Caton:

Filed herewith in duplicate is a letter to summarize the subject of our ex parte meeting with Ralph Haller, Doron Fertig, Joseph Levin, and Ronald Netro of the Private Radio Bureau today, pursuant to Rule Section 1.1206, on behalf of American Automobile Association. Ralph Haller received the original of this letter at today's meeting.

Please contact this office directly with any questions in this matter.

Sincerely,

  
John A. Prendergast

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August 4, 1994

Ralph A. Haller, Chief  
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Federal Communications Commission  
2025 M Street, NW  
Room 5002  
Washington, DC 20554

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AUG 4 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: PR Docket No. 92-235  
Ex Parte Presentation of AAA

Dear Mr. Haller:

The American Automobile Association ("AAA") has participated extensively in PR Docket No. 92-235 and applauds the Commission's efforts to improve the efficient use of radio spectrum. Recently, AAA joined with the Utilities Telecommunications Council (UTC) and other large Part 90 user groups to present what can be viewed as an industry consensus on the proposed reduction of channel bandwidth, in order to create additional frequencies. However, AAA would like to separately suggest ways in which the other aspects of the refarming proposal can best accommodate the public's interest in safety and the effective use of radio.

AAA is an association comprised of over 36 million members nationwide, and AAA estimates that it is the second largest membership organization in the United States. Indeed, over 16% of all adults in the United States are AAA members. Further, AAA is the national frequency coordinator for all frequencies in the Automobile Emergency Radio Service. AAA provides emergency road service to motorists who find themselves stranded on the road in dangerous situations. Prompt AAA service not only saves thousands of manhours consumed by urban traffic jams, but also reduces the danger surrounding a stalled car in the middle of a busy highway, a stranded motorist alone at night in a rough neighborhood, or a traveler caught in a severe snow storm. Without such promptness, public safety would suffer greatly. Indeed, many auto clubs are directly tied into the 911 dispatch system.

Through the use of its more than 430-transmitter dispatch system, as well as other FCC-licensed operations, AAA and its member clubs are able to respond quickly to emergency situations. Using a hierarchical dispatch procedure whereby situations

involving danger to life or property receive first priority, AAA helps to ensure the safety of motorists. However, AAA uses mobile radio capability not only to dispatch initial requests for service, but to maintain contact with the tow truck after dispatch, to monitor service time and quality, and to respond to dangerous and changing situations quickly, by calling in police, fire, rescue or passenger transport as necessary. During earthquakes, ice storms, hurricanes and other disasters, auto club trucks have acted as a national fleet of mobile cranes and emergency reporting and dispatching units, thereby complementing and reinforcing the strained resources of state and local fire and police departments.

By allowing it to keep in touch, AAA's mobile communications system provides a "real time" service which does not end after the call is placed and a truck is dispatched. Secondary assistance is immediately called when the situation warrants, and routes or plans may be altered immediately when situations change. This invaluable safety feature ensures that the motorist involved in an accident has immediate medical assistance when he is in the presence of the AAA service provider. It ensures that the stranded motorist alone on a deserted country road is quickly found even though the first truck sent out is having difficulty. It ensures that the motorist who placed a routine service call is suddenly placed on first priority when she calls back with word that she is alone at night on a poorly lit street. During the Los Angeles earthquake, AAA's radio system remained in operation when both the telephone and cellular systems were rendered useless. Its trucks could be dispatched from place to place, rescuing motorists and hauling debris away from roadways and doorways.

Without the optimal performance which AAA mobile radios currently provide, the safety of stranded or injured motorists is severely jeopardized. Yet several proposals in PR Docket No. 92-235, if implemented, could substantially diminish AAA's ability to quickly aid the public. AAA respectfully urges that the Commission consider the following issues, when acting on PR Docket No. 92-235.

**I. THE IMPORTANT SAFETY FUNCTION AND EMERGENCY RESPONSE SERVICE PROVIDED BY AAA SHOULD BE RECOGNIZED BY APPROPRIATE POOL OR SERVICE ASSIGNMENT.**

- \* AAA advocates the adoption of one of the following three options: (1) The Part 88 pooling proposal should either be completely eliminated, so as to retain the existing radio services; (2) AAA should be placed in the Public Safety Radio Service; or (3) a new Industrial Safety Service pool for private safety radio services should be created.
- \* All of the above proposals recognize that safety-related services performed over the spectrum by private entities such as AAA deserve priority similar to the protection afforded to government safety entities. A person who is stranded or in

danger and contacts AAA is no less deserving of prompt assistance than someone in a similarly dangerous position who instead contacts a government service for assistance. Indeed, AAA service providers often work in tandem with police and fire departments, who are often short of resources during times of national disaster or major emergency.

- \* During the California earthquake of January 1994, AAA provided immediate assistance to the multitude of individuals throughout the area who were stranded and injured by the earthquake. The disaster had knocked out telephone lines, and cellular phones were also ineffective due to transmitter/antenna damage, followed by system overloading. However, AAA's effectively functioning mobile radios allowed AAA to efficiently activate its disaster preparedness plan and to perform critical rescue functions in the hours and days following the earthquake. With mobile telephony providing the only means of communication, AAA became an important rescue service during the earthquake, and was the only non-governmental entity acknowledged in the Los Angeles marathon parade for earthquake rescue workers. AAA attributes its ability to provide this level of rescue service to the effective and efficient functioning of its mobile radios.
- \* The proposed pooling arrangement, by failing to designate a narrowband pool for private safety-related services will jeopardize AAA's ability to promote safety of life and property. Without a pooling arrangement which provides continued protection, AAA may find itself unable to provide the disaster relief and individual rescue services which it has so effectively provided in the past, thereby creating a void that will further strain police and fire departments, or result in a net loss of service.
- \* The proposed pooling arrangement thereby contravenes a fundamental goal of the Communications Act of 1934 -- the "promotion of safety of life and property." 47 U.S.C. §§ 151,332.

**II. AAA SHOULD BE PERMITTED TO RETAIN COORDINATION RESPONSIBILITIES FOR AUTOMOBILE EMERGENCY RADIO FREQUENCIES**

- \* A large, single coordinator cannot be familiar with the needs and peculiarities of each of the various industries for which it must provide coordinating services. It also is unlikely to give automobile emergency radio proposals the priority they deserve. Moreover, an outside coordinator would be unable to properly orchestrate the licensing of the nationwide radio network utilized by AAA's member clubs to enhance public safety. Ineffective coordination creates potential interference problems and, in the case of AAA, endangers the public who will have difficulty receiving prompt emergency road service.

### **III. "CHANNEL STACKING" FREQUENCY COORDINATION SHOULD BE REJECTED.**

- \* Unnecessary loading of a channel with multiple, incompatible users harms safety-related auto club operations, because it reduces the probability that, on any given occasion, a call placed on a crowded frequency will timely reach its intended destination. With regard to AAA service, increasing the risk of failed or delayed communications directly decreases the level of public safety.
- \* Safety and prompt relief from highway congestion are compelling public interest reasons which outweigh the desirability of vertically stacking large numbers of users.
- \* As recorded in AAA's reply comments, one auto club member, a Cystic Fibrosis sufferer, was inadvertently locked out of the car, unable to breathe for more than about five minutes without her oxygen tank which was inside the locked car. AAA responded to this critical situation, produced a truck at the scene in approximately three minutes, and quickly opened the locked car, possibly saving a life. If a clear channel had not been available, valuable minutes would have been lost. Another auto club truck happened upon two injured pedestrians that had been run over by a car. The AAA workers extricated the pedestrians from beneath the vehicle which was resting on top of them and, via their mobile radios, were able to instantly summon the life-flight helicopter to save the lives of the victims. Channels must be kept clear for emergency auto club use, and the current system of horizontal frequency coordination should be retained in order to provide optimal radio communications and protection of the public.

### **IV. CHANNEL EXCLUSIVITY FOR AUTOMOBILE EMERGENCY SERVICES SHOULD BE RETAINED.**

- \* The original allocations of frequencies exclusively for automobile emergency service should be retained, because of the public interest in promptly assisting those in situations of potential danger to life or property. At least a portion of the newly created channels lying in between Automobile Emergency Radio Service frequencies should be designated for auto club use.
- \* Having to wait for shared users to release a channel for use jeopardizes the safety of those who depend on immediate AAA dispatch to remove them or their property from threatening or uncomfortable situations. Forced channel sharing would prevent AAA from promptly dispatching its very high volume of emergency road service calls, resulting in slower response times. Indeed, a taxi company or delivery service could dominate a channel with relatively few users.

**V. EXCLUSIVITY SHOULD BE AWARDED BASED UPON SAFETY USE AND TRAFFIC VOLUMES, AS WELL AS ON MOBILE LOADING COUNTS.**

- \* AAA frequencies are inappropriate for sharing because of the safety role these radio operations play, and because AAA's call volume can triple on a moment's notice, when rain, heat, snow, earthquakes, hurricanes and other situations dramatically increase the need for help. AAA's radio usage is greatest when public safety considerations are the highest. Exclusive use of channels should be based on channel usage, and priority of communications, not merely on mobile unit counts.
- \* Safety considerations justify exclusivity. Failure to grant such exclusivity for entities performing public safety functions contravenes the Communications Act of 1934 which has as one of its fundamental goals the "promotion of safety of life and property." 47 U.S.C. §§ 151,332.

**VI. THE PROPOSED POWER DECREASE SHOULD BE ELIMINATED.**

- \* The proposed effective radiated power (ERP) restriction is self-defeating, for it is unreasonably low, would substantially reduce coverage areas, and would create the need for costly fill-in transmitters and additional repeater stations. Significant financial, zoning, and environmental problems will result.
- \* While some private radio operations can restrict their area of operation, AAA is responsible for covering anywhere a vehicle can travel. Licensees needing to cover large areas would be forced to use additional frequencies if the proposed power restrictions were implemented, defeating spectrum conservation objectives.
- \* If the proposed ERP limitations are not eliminated, AAA urges, at a minimum, the adoption of a public/industrial safety exception from the proposed power regulations.

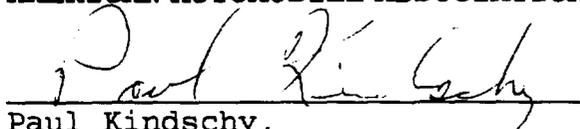
The bandwidth reduction proposal has rightfully received the lion's share of attention, and AAA supports this effort. However, it is urgently requested that the Commission likewise focus on the

above issues, and ensure that safety-related operations like AAA can continue to provide their valuable service to the public.

Sincerely,

**AMERICAN AUTOMOBILE ASSOCIATION**

By:

  
Paul Kindschy,  
Director, National Road Service

cc: Honorable Reed E. Hundt, Chairman  
Honorable Andrew C. Barrett  
Honorable Susan Ness  
Honorable James H. Quello  
Honorable1 Rachelle Chong