

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

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In the Matter of)	
)	
Amendment of the Commission's)	
Rules to Establish New)	GEN Docket No. 90-314
Personal Communications)	
Services)	

FEDERAL COMMUNICATIONS COMMISSION
SEP 27 1994

REPLY COMMENTS OF UTC
ON
UTAM PLAN FOR FINANCING AND MANAGING
2 GHZ MICROWAVE RELOCATION

UTC^{1/} hereby submits its Reply to the Comments filed with respect to the "UTAM Plan for Financing and Managing 2 GHz Microwave Relocation."^{2/} As explained herein, the consensus of the commenters, including UTC, is that the plan submitted by UTAM provides a good outline for the transition of fixed microwave systems from the 1910-1930 MHz unlicensed PCS (UPCS) band, but is too vague in many key areas.

I. Introduction

As noted in UTC's initial Comments on the UTAM Plan, UTC participated in several of UTAM's discussions leading to the preparation and filing of the UTAM Plan, and many of UTC's minor

^{1/} UTC, The Telecommunications Association, was formerly known as the Utilities Telecommunications Council.

^{2/} Comments and Reply Comments were solicited on the UTAM Plan by Public Notice, DA 94-873, released August 11, 1994.

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214

concerns were addressed in the Plan as filed. UTC therefore limited its initial comments to UTC's more serious concerns relating to the protection of fixed microwave systems during the early deployment of UPCS devices.

As the comments of other parties point out, however, a number of issues remain unresolved by UTAM even though these deficiencies were pointed out by UTC and others during UTAM's drafting of the Plan. Before the Plan can be approved, the parties affected by the Plan (incumbent microwave licensees, UPCS equipment manufacturers, and the Commission) are entitled to much greater specificity.

II. The Comments Note a Number of Deficiencies in the Plan

It is only necessary to catalog the deficiencies noted by the commenters to see that, in its present form, the UTAM Plan is not ready for final Commission action. Only three commenters filed in support of the UTAM Plan,^{3/} and only one of these commenters offered unqualified support.^{4/}

^{3/} North American Telecommunications Association (NATA), AT&T Corp. (AT&T), and Spectralink Corporation (Spectralink).

^{4/} Both AT&T and Spectralink expressed concerns about certain aspects of the plan; only NATA, representing UPCS equipment vendors, offered unqualified support. Spectralink provided a concise listing of the areas in which the UTAM Plan lacks specific procedures. Spectralink Comments at pp. 3-4.

A. Frequency Coordination Procedures

UTAM proposes to use coordination procedures based on TIA Bulletin 10-F, but "adjusted" to accommodate "certain unique needs of unlicensed PCS."^{5/} Although UTAM provides a few examples of the factors that may cause it to "adjust" the standard coordination procedures, approval of the plan in its present form would give UTAM carte blanche to adjust coordination procedures and interference standards in order to meet whatever it perceives to be the "unique needs of unlicensed PCS."

B. Control Over UPCS Deployment

UTAM proposes to allow each UPCS device manufacturer to develop and execute its own Location Verification Process (LVP) by which UTAM alleges that the deployment of UPCS devices could be restricted to "Zone 1" counties which have not reached the relevant power aggregation cap, or to "Zone 2" counties where a specific site coordination has been performed. Several parties point out that UTAM will have no ability to control the actual deployment of UPCS devices under this proposal.^{6/}

^{5/} Comments of South Florida Water Management District (SFWMD) at pp. 3-4, American Petroleum Institute (API) at pp. 12-13, and Association of American Railroads (AAR) at pp. 6-7.

^{6/} Comments of UTC at pp. 4-9, and API at pp. 13-15.

Even AT&T Corp. -- one of UTAM's eight voting members -- expresses concern that under the "Zone 1" concept UTAM will be unable to determine whether a proposed UPCS system will interfere with a fixed microwave system. AT&T therefore recommends that manufacturers be required to provide UTAM with the specific geographic location of each UPCS system.^{7/} In this regard, AT&T's Comments support UTC's opposition to UTAM's "Zone 1" concept, which would allow virtually unrestricted deployment of UPCS devices in an area subject to a power aggregation "cap". By recommending that UPCS manufacturers be required to report the precise geographic location of each UPCS device as well as its operating power so that UTAM can verify its non-interference potential, AT&T is supporting the use of site-by-site coordination. UTC agrees, and urges the Commission to require site-by-site coordination of all UPCS devices, and to disallow the "Zone 1" concept.

Even if non-coordinated deployment of UPCS devices is permitted in "Zone 1" counties, there is serious concern as to whether UTAM's generic description of a Location Verification Process (LVP) will provide any meaningful protection to incumbent microwave systems.^{8/} Other parties are in agreement with UTC that the criteria for approval of a manufacturer's LVP are very

^{7/} Comments of AT&T at pp. 4-5.

^{8/} Comments of UTC at pp. 5, SFWMD at pp.7-8, and API at pp. 13-15.

loose, and that once the LVP is approved, there will be no means by which UTAM will be able to verify or audit the actual deployment of UPCS devices.

Likewise, UTAM's recommended procedures for testing the equipment disablement mechanisms do not meet the Commission's requirements. Sections 15.307(d) and (e) of the Commission's Rules require the disablement mechanism to "ensure that [the device] cannot be activated until its location has been coordinated by UTAM, Inc." and to "disabl[e] operation in the event it is moved outside the geographic area where its operation has been coordinated by UTAM, Inc." The procedure recommended by UTAM will simply involve each manufacturer certifying it knows where its devices are located, and will require a device to be disabled only if it loses power for more than eight continuous hours. The procedure does not provide any means for UTAM to verify installation at the coordinated location, nor any automatic mechanism for disablement when a device is moved from its coordinated location.

C. Deployment of "Nomadic" UPCS Devices

Several parties oppose UTAM's suggestion that it may authorize the deployment of nomadic or noncoordinatable UPCS devices prior to band-clearing.^{9/} UTC raised similar concerns with UTAM during the drafting stage, and was assured by UTAM that it could not and would not sanction the deployment of nomadic PCS devices absent prior Commission authorization. To the extent this aspect of the UTAM Plan remains ambiguous, UTC concurs in requesting the Commission to clarify that nothing in the Plan should be construed as authority for UTAM to permit the deployment of nomadic PCS devices prior to complete band-clearing or further Commission authorization.

UTC also notes the significant questions raised by Apple Computer, Inc. (Apple) regarding UTAM's "segment self-financing" approach and its "wedge" clearing approach.^{10/} Apple points out that segment self-financing is unlikely to assist in clearing the asynchronous portion of the UPCS band (1920-1930 MHz) since most asynchronous UPCS devices are anticipated to be nomadic, and hence noncoordinatable. Apple further points out that the "wedge" approach to band-clearing, by which frequencies closest to 1920 MHz would be cleared first, will be ineffectual inasmuch as microwave channel centers in the UPCS band are generally at

^{9/} Comments of API at pp. 9-10, and AAR at pp. 3-4.

^{10/} Comments of Apple at pp. 3-4.

1915 and 1925 MHz, and therefore equidistant from 1920 MHz. Without taking any position as to the relative rights or responsibilities of asynchronous or isochronous devices under the UTAM Plan, UTC simply notes that Apple's Comments raise serious concerns as to the legitimacy of the UTAM "consensus" plan.

D. Sufficiency of UTAM's Proposed Funding Plan

Several parties question whether UTAM will be able to raise sufficient funds to fully compensate incumbent microwave licensees for the costs of relocation.^{11/} API and Apple note that a major assumption of UTAM's financing plan is that UTAM will be required to fund the relocation of no more than 50% of the in-band microwave links and only 10% of adjacent channel links due to UTAM's belief that these other links will be relocated at the expense of licensed PCS operators.^{12/} The commenting parties correctly question the basis for UTAM's assumptions, particularly when licensed PCS is expected to develop initially in urban areas, while the demand for UPCS devices is expected to be uniform nationwide. UTC shares API's concern that if UTAM has underestimated its funding requirements, incumbent microwave system licensees will face the prospect of

^{11/} Comments of API at pp. 4-6, and Apple at pp. 6-7.

^{12/} UTC similarly supports API and AAR in their request that UTAM recognize that microwave links are part of systems and should be subject to comprehensive negotiations and relocation arrangements.

interference from the virtually uncontrolled deployment of UPCS devices with no possible recourse against UTAM. One might even question whether UTAM's funding estimates are premised on its hope that many incumbent microwave licensees will elect to relocate at their own expense rather than risk interference from the virtually uncontrolled deployment of UPCS devices.

When UTC first raised concerns over financing with UTAM, UTC was advised that UTAM would not face a shortfall of funds and would not need a contingency fund since UTAM would not agree to relocate a microwave link until it had raised the funds necessary to relocate the link.^{13/} However, this is only partially responsive since it does not address the issue of UTAM's ability to correct interference situations that may arise, nor to expedite the clearing process should its deployment program break down. If the UTAM Plan is as safe, interference-free, and financially viable as UTAM represents, the voting members of UTAM should be perfectly willing to guarantee UTAM's financial obligations.

E. Procedures for Resolution of Interference Complaints

AAR and API point out that UTAM has yet to define a procedure for resolving complaints of UPCS interference into

^{13/} Letter from Sandy Abramson, President, UTAM, Inc., to Jeffrey Sheldon, counsel for UTC, dated July 22, 1994.

fixed microwave systems.^{14/} After UTC raised this issue with UTAM and prior to the filing of the UTAM Plan, UTC was advised that "UTAM will establish procedures to deal with any interference problems which may arise and will attempt to resolve them as quickly as possible."^{15/} The UTAM Plan as filed does not contain these procedures, and once again, microwave licensees and the Commission are left to guess what those procedures might be and when they might be adopted. Given the gossamer nature of UTAM's proposed coordination procedures, and UTAM's own admission that many (up to 10%) UPCS devices may be operated at variance from the Plan, a solid procedure for the resolution of interference complaints should be included in the Plan from the beginning. As with UTAM's financing proposal, if UTAM is convinced that its coordination procedures will adequately protect fixed microwave systems, UTAM should not hesitate to adopt strict procedures for quickly identifying and correcting any interference from UPCS devices into fixed microwave systems.

III. Conclusion

It is apparent from the comments submitted by UTC and the other parties that UTAM's Plan does not meet the Commission's minimum conditions for the approval of UTAM as the coordinating

^{14/} Comments of AAR at pp. 7-8, and API at pp. 17-18.

^{15/} Letter from Sandy Abramson, President of UTAM, Inc., to Jeffrey Sheldon, counsel for UTC, dated July 22, 1994.

entity for UPCS devices. Rather than acting as a neutral entity charged with the primary responsibility of protecting incumbent fixed microwave systems in the unlicensed PCS band, UTAM has assumed a role of promoting the deployment of UPCS devices at the expense of any microwave systems willing to accept the risk of interference from these devices.

WHEREFORE, THE PREMISES CONSIDERED, UTC respectfully requests the Commission to direct UTAM to amend its plan in accordance with the views expressed herein.

Respectfully submitted,

**UTC, THE TELECOMMUNICATIONS
ASSOCIATION**

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Dated: September 27, 1994

CERTIFICATE OF SERVICE

I, Kym B. Winborne, a secretary with UTC, hereby certify that I have caused to be sent, this 27th day of September, 1994, by first-class mail, postage prepaid, a copy of the foregoing Reply Comments to each of the following:

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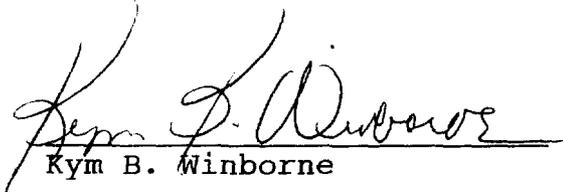
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