

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

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Amendment of Part 90 of the)
Commission's Rules to Adopt)
Regulations for Automatic)
Vehicle Monitoring Systems)

PR Docket No. 93-61

DOCKET FILE COPY ORIGINAL

To: The Commission

REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

In accordance with Section 1.429 of the Commission's rules, Itron, Inc. ("Itron"), submits this reply to several of the oppositions for reconsideration in the above-referenced proceeding.¹

DISCUSSION

Although Itron expects to be able to share its portion of the 902-928 MHz band with non-multilateration LMS ("N-LMS") systems as they are currently conceived, it is concerned that some of the pleadings in this proceeding indicate an intention by N-LMS proponents to provide new, less spectrum efficient services under the guise of N-LMS. For instance, Amtech has urged the Commission to permit field strength limits that would allow N-LMS systems to transmit at significantly higher power than they may under the height and power restrictions adopted in the Report and Order.²

To counter this "evolution" of N-LMS into new services, other parties have proposed certain geographic, antennae, and/or power limitations for N-LMS

¹ Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, Report and Order, PR Docket No. 93-61 (rel. Feb. 6, 1995) ("Report and Order").

² See Amtech Petition for Reconsideration at 12; see also Opposition of the Association of American Railroads ("AAR") at 4 (30 watt power limitation for N-LMS systems is too restrictive).

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systems.³ Proponents of N-LMS systems generally oppose these proposals.⁴ These parties argue that further restrictions are unnecessary because current N-LMS systems are compatible with Part 15 operations. This, however, does not address the concerns of Itron that N-LMS systems may expand into new services that could overburden the 910-920 MHz "safe harbor," which the Commission has wisely set aside for Part 15 operations and true N-LMS services.

Because the proposals to further limit the geographic scope and power of N-LMS systems will help to ensure that such systems remain compatible with Part 15 operations, Itron supports those proposals. Based on the record in this proceeding, these proposals should not adversely effect true N-LMS systems. For instance, as one N-LMS provider has acknowledged, the current 30 watt power limitation for N-LMS systems is "more than adequate" for the "vast majority" of N-LMS systems.⁵ Indeed, if N-LMS systems were to employ "active" tags (*i.e.*, the tags to be read have an independent power source), rather than merely passive reflective tags, they could provide their services using power levels close to those required of Part 15 technologies.⁶ Thus, not only should the calls of N-LMS proponents for higher field strength limits be rejected, but additional limits on N-LMS power may be appropriate.⁷

Similarly, the pleadings in this proceeding indicate that N-LMS providers have already begun to expand their systems beyond rail sidings, toll plazas, and

³ See, e.g., Petition for Reconsideration of the Part 15 Coalition at 16-18; Petition for Limited Reconsideration of the Ad Hoc Gas Distribution Utilities Coalition at 6-8.

⁴ See Comments of MFS at 2; Opposition of AAR at 5; Amtech Opposition at 10-11; Texas Instruments Opposition at 2-8.

⁵ Reply to Oppositions of Hughes Transp. Management Systems (filed June 5, 1995) at 6.

⁶ See, e.g., Comments of Amtech at 17, PR Docket No. 93-61 (filed June 29, 1993).

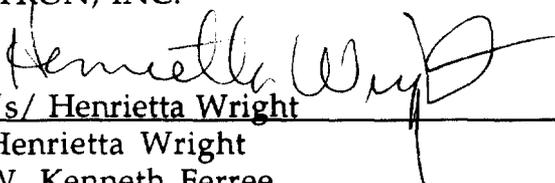
⁷ See Itron Opposition at 2-4; Comments of the Telecommunications Industry Association (filed May 24, 1995) at 13-15; AirTouch Teletrac Opposition at 19.

other rights-of-way. For instance, AAR boasts that “[r]ailroads use of tag readers extends geographically far beyond rail sidings.”⁸ And Amtech concedes that its tag readers are “already being used for far more than toll plaza and rail applications.”⁹ It is apparent, therefore, that without some geographic or definitional limitation on N-LMS, such systems threaten to spread far afield of rights-of-way. If that were to happen, “N-LMS” systems would pose a more substantial interference threat to other users of the 902-928 MHz band than they presently do.

In order to preserve the delicate balance that the Commission has struck in the Report and Order, N-LMS systems must be restricted to providing low-power, localized services such as traditional tag-reader systems. If N-LMS becomes a substitute wide-area service, the Commission’s carefully-crafted spectrum sharing plan will have been undermined and the 902-928 MHz band will become inhospitable for Part 15 technologies.

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June 7, 1995

⁸ Opposition of AAR at 4-5.

⁹ Amtech Opposition at 10.

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I hereby certify that a true and correct copy of the foregoing Reply to Oppositions to Petition for Reconsideration was sent by first-class mail, postage prepaid, this 7th day of June, 1995, to each of the following:

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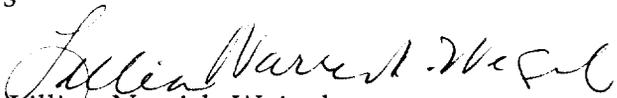
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