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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
Replacement of Part 90 by Part 88 to )  
Revise the Private Land Mobile Radio )  
Services and Modify the Policies )  
Governing Them )  
and )  
Examination of Exclusivity and )  
Frequency Assignment Policies of )  
the Private Land Mobile Radio Services )

PR Docket No. 92-235

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To: The Commission

**PETITION FOR CLARIFICATION AND/OR RECONSIDERATION**

The Alarm Industry Communications Committee (AICC), by its attorney, and pursuant to Rule Section 1.429, hereby requests clarification and/or reconsideration of certain aspects of the Commission's Report and Order and Further Notice of Proposed Rule Making in PR Docket No. 92-235, commonly referred to as the "Refarming Docket." AICC plans to file comments with respect to the issues presented in the Further Notice of Proposed Rule Making at the appropriate time. This petition is limited to the rules adopted in the Report and Order.

AICC is an industry group representing the interests of the central station alarm industry, which uses five pairs of Business Radio Service frequencies in the 450-470 MHz band, as well as the 12.5 kHz offset channels that fall between them, for voice and data communications. The frequencies are heavily used for transmission of burglar, fire and other emergency alarm signals from protected premises to centrally located alarm monitoring facilities operated by its members. The continued use of these channels, as well as the new channels that would be derived by narrow banding of the existing channels, for alarm signalling is of vital concern to

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industry members, as well as the public that relies on this industry for protection of life and property. As federal and local budgets are increasingly subject to economic constraints, businesses and individuals have come to rely on the private sector to provide burglar, fire, and other security services that were previously provided by local governmental entities.

### Eligibility Requirements

AICC members heavily rely on the 450-470 MHz frequencies in the Business Radio Service reserved for assignment to persons providing a central station commercial protection service. In addition to voice communications, these frequencies are used for short and medium range alarm signalling purposes. AICC is concerned that these channels continue to be available for the same purposes in the future. Although the Commission has not indicated that it intends to remove the central station eligibility restriction on these channels, the consolidation of radio services into a few large pools may well have this effect. Accordingly, AICC requests the Commission to continue the current eligibility restrictions on the central-station reserved frequencies (both the current 25 kHz primary channels and the 12.5 kHz offset channels), and include the same eligibility restrictions on the new interstitial channels that would be created by narrowbanding. These restrictions should continue to apply to the frequencies after the service pools are consolidated.

The allocation of the central station frequencies was made upon a finding that the public interest required the Commission to ensure the availability of channels for such uses. Nothing in the record for this proceeding has demonstrated that these spectrum needs no longer exist. Indeed, the need for channels for safety-related uses such as alarm signalling has only increased in recent years. Therefore, it is important that channels continue to be available for such uses. AICC will expand on these concerns through its participation in the industry effort to reorganize

the service pools. However, AICC wishes to make sure that the Commission focuses on this matter before the new rules become final.

### 12.5 kHz Offset Channels

Under the regulations adopted by the Commission, the 12.5 kHz offset channels, previously restricted to low power use and available only on a secondary basis to high power systems on adjacent channels, will become high power primary channels.<sup>1</sup> In order to achieve primary status, however, a licensee will be required to increase power and to provide the Commission (through the frequency coordinator) with geographic coordinates. It is not clear whether providing geographic coordinates to the Commission will require the filing of an application, or whether a letter notification will suffice. Clarification on this point is requested.

Requiring a central station alarm system licensee to increase power and to provide geographic coordinates for channels used for alarm signalling in order to obtain primary status would be unduly burdensome to central station licensees and to the Commission. Each alarm company may have thousands of customers using radio links.

Alarm transmitters operating on the offset frequencies are installed at customer premises. These transmitters send burglar, fire and other emergency alarm and system status signals to the central station alarm monitoring location. At that point, central station personnel arrange for the appropriate response, e.g., dispatching security guards, or alerting police, fire, or emergency medical personnel. The customer base is continually changing as new customers are

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<sup>1</sup> AICC notes that the Commission has imposed a freeze on the filing of high power applications on the 12.5 kHz offset channels in the 450-470 MHz band until issues are resolved relative to the consolidation of radio services and/or the designation of dedicated channels in the 450-470 MHz band for low power use.

added or others discontinue service. Providing geographic coordinates for each customer added to the system, or advising the Commission each time a transmitter is removed from service or relocated, would place a tremendous burden on central station alarm system licensees as well as on the Commission and the frequency coordinator(s). AICC suggests that the Commission continue the present practice of providing the Commission only with the coordinates of the center of the operating area of these alarm transmitters and the radius around these coordinates in which transmitters will operate instead of requiring each fixed transmitter to be individually licensed. Perhaps continuing the current practice of providing the coordinates of the center of the operating area could be tied to continued low power use (e.g., 5 watts or less, or even the current 2 watt level), while requiring coordinates for specific transmitters only where higher power is required for satisfactory operation, or when a transmitter would be placed on an antenna structure requiring FAA review.

There is also concern within the industry that providing coordinates (and perhaps the street address as well, if individual licensing of each fixed transmitter is required) will tip off potential burglars that the customer at that location may have valuable property which requires protection. Since the Commission's records are open to public inspection, providing coordinates for each customer may provide burglars with a "shopping list" of attractive properties to investigate. Such result is adverse to the public interest.

AICC believes that licensees should be able to achieve primary status without having to increase power. The Commission did not indicate how much of a power increase would be required in order to obtain primary status. If it is only necessary to increase power beyond the present 2 watt limit, then a power increase to achieve primary status serves little purpose. Furthermore, these alarm signalling systems have operated satisfactorily for many years at low power levels. While some increase in power may be advantageous in particular situations, the

industry does not need significantly higher power levels for alarm signalling. It does, however, need to make alarm signalling a primary use of the spectrum. Making licensees increase power for the sole purpose of achieving primary status on the channel runs counter to the Commission's desire to obtain maximum use of the channels by decreasing the interference potential between systems, and the separation required between systems. By the same token, failing to allow primary status for these valuable safety-related operations runs counter to the overriding Congressional mandate to further safety through the use of radio, as evidenced by Section 1 of the Communications Act of 1934, as amended.

#### Height/Power Table

The Commission has adopted new height/power tables that will apply to all "new" systems in the 150 and 450-470 MHz bands for which applications are filed on or after August 18, 1995. AICC believes that the Commission has not provided sufficient guidance to permit frequency coordinators or the public to determine which applications would be considered "new" and subject to the height/power tables.

The Report and Order defines a new station as one that is not "functionally integrated" with an earlier-installed system. AICC believes that this definition was intended to permit licensees of existing systems to modify and expand their systems without making these additional or modified stations subject to the new height/power tables. However, the definition is sufficiently ambiguous that AICC is concerned that litigation will arise over what the Commission intended. This will make it difficult for AICC to carry out its coordinator responsibilities. In this regard, the Commission currently assigns a new call sign whenever a licensee applies to add a transmitter to a site that already has six sites licensed. Indeed, such applications are required (at Item D1 of the Form FCC 600, Schedule D) to check the box for

a "new" station license even though the additional transmitters will be directly tied into the existing system. In such instances, the Commission should allow full power operation under the existing Part 90 Rules whenever the applicant indicates in, e.g., Item D4 ("Associated Call Sign") that the proposed sites expand an existing operation. A clarification of what constitutes a "new" station is therefore requested.

In addition, it is AICC's understanding that the height/power tables were developed using propagation curves based on average terrain conditions. Although the curves, and the tables derived from them, may be accurate in many areas of the country, in the states of California and Washington, and certain other areas of extreme terrain, they will yield inaccurate results. The Commission has developed special separation criteria for 800 MHz systems in these areas to prevent harmful interference between co-channel systems. AICC believes that similar provisions should be made in the 150 and 450 MHz bands. In such areas, an applicant should be permitted to use other commonly accepted propagation models to determine the actual coverage of a radio system, as long as the applicant describes the propagation model used and explains why that model will provide more accurate results than the curves or the height/power tables that the Commission normally uses to determine system coverage.

#### Frequency Coordinator Responsibilities/Liability

The rules adopted by the Commission would permit both digital and analog radio systems, using various bandwidths, to operate in the same area. In order to coordinate such systems, it will be necessary to develop co-channel and adjacent channel separation standards that take into account the bandwidth, power, antenna height and geographic separation of all systems operating in the same area that may be a source of interference. Although the Commission was aware of this problem, it did not establish separation standards in this

proceeding. Instead, the Commission left it to the frequency coordinators to develop the appropriate separation standards. But 6.25 kHz equipment is not generally available, and AICC is not aware of any testing that has been done on which appropriate separation standards may be developed. As a result, AICC is concerned about its future liability as a frequency coordinator, and its responsibility in the event interference develops, if the separation standards adopted by the frequency coordinators do not work. AICC suggests that its responsibility should be limited to the coordination of alternate frequencies for the system causing or experiencing harmful interference, or suggesting methods to limit the interference, such as using directional antennae or reducing power or antenna height. AICC also requests that the Commission confirm that its frequency recommendations will continue to be advisory in nature and that the Commission will be the final arbiter of the suitability of a channel for the intended purposes.

#### Narrowbanding of Existing Systems

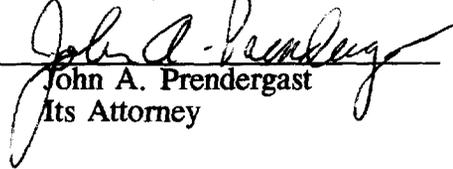
AICC notes that the regulations adopted by the Commission do not specifically require a grandfathered licensee using 25 kHz wide channels to file an application to modify its license when it converts to the use of more spectrally efficient equipment. Unless licensees are required to do so, neither the frequency coordinators nor the Commission will know that spectrum previously used by a wideband grandfathered system is now available for assignment to new stations. While such licensees may often file an application to add the digital emission designator or to make other modifications when narrowbanding, some licensees may not otherwise have to make a filing. Accordingly, AICC suggests that the Commission require licensees who convert to the use of narrower bandwidth equipment to file some form of notification to provide this information to the Commission and to the frequency coordinator.

Finally, AICC also suggests that currently operating systems that are being converted

to narrower channelization should be treated as existing stations rather than as new stations, for purposes of application of the height/power tables; and AICC requests that the Commission confirm that grandfathering rights will continue to apply to existing stations which change ownership through transfer or assignment of licenses.

Respectfully submitted,

**Alarm Industry Communications Committee**

By   
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Filed: August 18, 1995

## CERTIFICATE OF SERVICE

I, Elizabeth A. Ebere, hereby certify that I am an employee of Blooston, Mordkofsky, Jackson & Dickens, and that on this 18th day of August, 1995, I caused to be hand-delivered, a copy of the foregoing **Petition for Clarification and/or Reconsideration of the Alarm Industry Communications Committee** to the following:

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