

ORIGINAL

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

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 )  
To: The Commission

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AUG 18 1995

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

PR Docket No. 92-235

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**PETITION FOR CLARIFICATION AND/OR RECONSIDERATION**

The American Automobile Association (AAA), by its attorney, and pursuant to Rule Section 1.429, hereby requests clarification and/or reconsideration of certain technical and operational 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." At the appropriate time, AAA intends to file comments with respect to the issues presented in the Further Notice of Proposed Rule Making and in connection with the consolidation of radio services. This petition is limited to the technical and operational rules adopted in the Report and Order.

AAA is a not-for-profit organization that is dedicated to promoting the safety of the American driving public. It is the largest membership organization in the United States, with over 33 million members. It provides emergency road services (and many other services) to its members and to the public. AAA is also the FCC-recognized frequency coordinator for the Automobile Emergency Radio Service. It provides frequency coordination services to the

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automobile clubs throughout the country, as well as to private garages that provide road service assistance to the public. AAA is therefore vitally interested in the proceedings in the refarming docket, which will have a tremendous impact on the availability of prompt and reliable communications services to emergency road service operators.

### 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. AAA believes that the Commission has not provided sufficient guidance as to which applications would be 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. AAA believes that this definition was intend to permit modification and expansion of radio systems licensed prior to the effective date of the new rules without making the additional or modified stations comply with the new height/power tables. However, the definition is sufficiently ambiguous and subject to interpretation that AAA is concerned that litigation will arise over what the Commission intended. This will make it difficult for AAA to carry out its coordinator responsibilities. A clarification of what constitutes a "new" station is therefore requested.

In addition, it is AAA's understanding that the height/power tables are based on the assumption of average terrain conditions. Thus, the curves may not be accurate in areas of extreme terrain, such as in the states of California and Washington. For this reason, the Commission uses special separation criteria in these areas for the systems in the 800 MHz to prevent harmful interference between co-channel systems. AAA believes that special

consideration should be given also to 150 and 450 MHz systems in these areas. Where the terrain is not uniform, an applicant should be permitted to use any commonly accepted propagation model to demonstrate the actual coverage of a radio system, as long as the propagation model used is properly identified and the applicant explains why that model will provide more accurate results than the the height/power tables.

#### Frequency Coordinator Responsibilities/Liability

The rules adopted by the Commission would permit an a mixture of radio systems to operate in the same area, using various bandwidths and both digital and analog emissions. In order to coordinate such systems, standards will have to be developed that take into account the bandwidth, power, antenna height, emission type and geographic separation of all co-channel and adjacent channel systems operating in the same area that may interfere with each other. The Commission noted that such standards are necessary, but left it to the frequency coordinators to develop the appropriate separation standards. AAA is unaware of any testing that has been done on which to base the development of such standards. It intends to work with other frequency coordinators to develop the necessary standards, but AAA is concerned about its future liability as a frequency coordinator in the event the standards adopted by the frequency coordinators do not work in practice. AAA suggests that its responsibility in the event interference develops should be limited to working with the affected licensees to find alternate frequencies for their system or to suggest methods to reduce or eliminate interference, such as the use of directional antennas or reducing power or antenna height. AAA also requests the Commission to 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

AAA notes that the regulations adopted by the Commission do not specifically require a grandfathered licensee using 25 kHz channels to file an application to modify its license when it converts to the use of narrowband equipment. Without such information, neither the frequency coordinator nor the Commission would know that spectrum is now available for assignment to new stations. While such licensees will 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. Furthermore, this information will be necessary to determine appropriate mileage separations between systems. Accordingly, AAA 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.

AAA further requests the Commission to confirm that grandfathering rights will continue to apply to stations that change ownership due to assignment or transfer of a license. Furthermore, currently operating systems that are converted to narrower channelization should be treated as existing stations for purposes of application of the height/power tables. Existing licensees should not be penalized by having to add stations to obtain the same coverage if they elect to use more spectrally efficient equipment.

### Eligibility Requirements

Finally, AAA requests that when the Commission consolidates radio services, it continue the present eligibility restrictions that apply to the licensing and use of specific frequencies. In other words, frequencies that are currently reserved for assignment to automobile clubs or

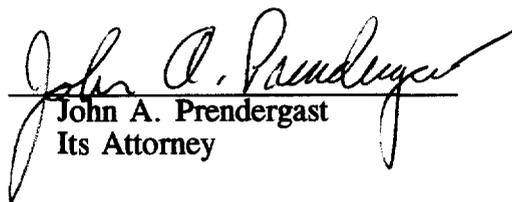
emergency road service purposes should continue to be so restricted even after the radio service pools are consolidated. The Commission has not indicated that it intends to change the allocation of frequencies for certain purposes, but that may well be the result of consolidation of the radio services.

The allocation of frequencies for specific uses (such as the Automobile Emergency Radio Service) was made upon a finding that the public interest required that the Commission ensure the availability of channels for such uses. Nothing in the record for this proceeding has demonstrated that these spectrum needs no longer exist. Instead, the need for channels for safety-related uses such as emergency road service has only increased. Last year alone, AAA and its member clubs dispatched over 22 million emergency tow calls. Therefore, it is important that channels continue to be available to such uses. AAA will expand on these concerns through its participation in the industry effort to reorganize the service pools. However, AAA wishes to make sure that the Commission focuses on this matter before the new rules become final.

Respectfully submitted,

**American Automobile Association**

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 American Automobile Association" to the following:

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Commissioner Andrew Barrett  
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Commissioner Rachelle Chong  
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Commissioner Susan Ness  
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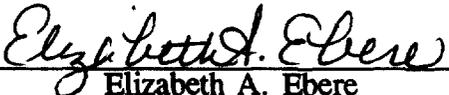
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