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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment to the Commission's Rules	)	WT Docket No. 95-157
Regarding a Plan for Sharing the Costs	)	RM-8643
of Microwave Relocation	)	

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COMMENTS OF
INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA

The Interstate Natural Gas Association of America (INGAA) is a non-profit trade association representing virtually all interstate natural gas transmission pipeline companies operating in the United States and interprovincial pipelines in Canada, as well as natural gas companies in Mexico and Europe. INGAA's U.S. members operate over 200,000 miles of pipeline and related facilities and account for over 90 percent of all natural gas transported and sold in interstate commerce.

Many of INGAA's member companies employ private fixed microwave facilities in the 2 GHz band. These communications facilities are a key element in the safety and operational functions for natural gas pipeline operators. Pursuant to the Pipeline Safety Act, and its regulations at the U.S. Department of Transportation, natural gas pipelines are required to meet certain minimum safety standards. In large part, the instantaneous, reliable, and secure communications afforded by private fixed microwave facilities are a primary tool for compliance with federal and state pipeline safety standards.

INGAA asks that the Commission carefully weigh any changes in the current procedures for relocation of microwave incumbents. While we agree that both Congress and the FCC strongly desire the rapid deployment of emerging telecommunications technologies, neither intends for public safety to be jeopardize through hasty action. For this reason, the Commission established the current negotiation process for 2 GHz relocation, which gives both parties a two year voluntary period in which to reach agreement without any preconditions. INGAA supports this carefully balanced procedure because it is fair, and because it is working. Several INGAA members are currently involved in relocation negotiations with PCS licensees, and at least one member has successfully completed negotiations and has already relocated their 2 GHz links in one market area.

In order to assist in completing mutually acceptable negotiations, INGAA supports the concept of "cost-sharing" amongst PCS licensees for the relocation of incumbents. However, we stress that the Commission should avoid actions which upset the balance of relocation negotiations -- negotiations which in many cases are already taking place. In addition, INGAA cautions against adopting too narrow a definition of "comparable facilities," so long telecommunications technology continues to change virtually overnight. As is the case with computers, what was "state of the art" only a few years ago is now obsolete.

I. Importance of the Natural Gas System

Natural gas represents over 35 percent of the energy supply utilized in the United States. Natural gas is delivered through a network of pipelines which cover the nation. The safe and orderly operation of this network is necessary to maintain vital public services such as heating, electric power generation, manufacturing and food processing. Since natural gas is more difficult to store

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than other types of fuel choices, a greater emphasis is placed on delivering gas to markets "just-in-time" to meet demand. This means that natural gas delivery systems need to be responsive to rapid changes in such factors as weather conditions and work schedules. In addition, natural gas pipelines need the ability to respond quickly to emergency conditions such as hurricanes, earthquakes or pipeline ruptures. Lives often depend upon the speed with which pipeline operators respond to these emergencies.

Private fixed microwave systems are a primary tool for both operational coordination and rapid public safety response. The ability to maintain secure, reliable communications is absolutely essential to natural gas pipeline operations. This is why an orderly relocation is so important. Many pipeline systems span multi-state, and in some cases, multi-regional areas. With dozens of microwave links, a pipeline operator doesn't have the luxury to consider system modifications on a piecemeal basis. Pipelines need the time and flexibility to consider system-wide solutions -- not just a link here or a link there.

II. Definition of Comparable Facilities

As previously stated, the Commission needs to carefully weigh whether or how it will further define "comparable facilities." Many pipelines currently use analog systems, although these systems are rapidly becoming obsolete. Product support for such systems will be virtually non-existent in the near future. Does replacing an out-of-date analog system with another analog system constitute replacement of comparable facilities? Certainly not. When originally purchased, these analog systems were state-of-the-art. Today, digital is state-of-the-art, and digital is the only option which offers a solution beyond the next couple of years. It makes little sense to replace existing systems with what almost everyone would agree is antiquated and short-lived technology. In addition, digital technology affords a more efficient use of spectrum, resulting a better management of a finite resource as it becomes more crowded in the years to follow.

III. Cost-Sharing Proposal

INGAA believes that a cost-sharing regime is reasonable and fair to all PCS licensees. It may in fact help to speed current relocation negotiations by giving PCS licensees greater assurances they will recoup relocation costs. However, INGAA is greatly concerned about the Commission's proposed reimbursement cap of $250,000 per link, plus $150,000 if a new tower is required. This places an arbitrary value on the cost of a microwave relocation, and may in fact have a great deal of impact on voluntary negotiations.

If the Commission feels that a cap on reimbursement costs is necessary to protect future PCS licensees, INGAA would suggest as an alternative the adoption of a specific percentage which could be recovered from the relocation of each link, based on the total cost of an individual relocation. If, for example, a link relocation cost $600,000, and the Commission allowed an 80 percent recovery, then $480,000 of the cost could be shared with future PCS licensees. This would allow current licensees to recover the majority of their relocation expenses, while still protecting future licensees from paying the premiums associated with the rapid relocation of incumbents. In addition, the adoption of a percentage cap would not create an arbitrary monetary value for the cost of each and every relocation.

IV. Secondary Status After Ten Years

INGAA has grave concerns about the proposal to make all microwave incumbents still operating

in the 1850 to 1990 MHz band secondary on April 4, 2005. While most INGAA members may in fact receive notice from a PCS licensee and move to another band prior to 2004, there is no assurance that systems in rural areas will in receive any notification prior to the proposed secondary date. In fact, this proposal might actually serve as a disincentive towards PSC licensees making any offer for relocation in rural or underutilized areas prior to April 4, 2004. We ask that the Commission reconsider this proposal.

V. Conclusion

INGAA recognizes the importance of maintaining fair and effective procedures for microwave relocation. Where they have been notified, our members have been working with PCS licensees on an orderly relocation of their systems. We ask that the Commission work carefully to continue the balance which currently exists between the two parties. Private negotiations are the best way to resolve these matters, and in fact, it is private negotiations which INGAA believes will result in the vast majority of relocation plans.

Respectfully Submitted

Terry D. Boss

Terry D. Boss, Vice President
Environment, Safety & Operations

INTERSTATE NATURAL GAS
ASSOCIATION OF AMERICA
555 - 13th Street, N.W., Suite 300 West
Washington, D.C. 20004

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