

EX PARTE OR LATE FILED



Industrial Telecommunications Association, Inc.

RECEIVED

January 6, 1997

JAN 6 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: PR Docket No. 92-235; Replacement of Part 90 by
Part 88 to Revise the Private Land Mobile Radio
Services and Modify the Policies Governing Them
Notice of Ex Parte Filing

Dear Mr. Caton:

On this date, January 6, 1997, the Industrial
Telecommunications Association, Inc. ("ITA"), delivered the
enclosed written *Ex Parte* presentation in the above-referenced
proceeding to Michele Farquhar, Chief of the Wireless
Telecommunications Bureau.

On this same date, Mark E. Crosby, ITA's President and Chief
Executive Officer, also gave copies of this written presentation
to Rudolfo Baca, Esq. and David Siddall, Esq, Legal Advisors for
Commissioner Quello and Commissioner Ness, respectively.

In accordance with Section 1.1206(a)(2) of the Commission's
rules, I am filing the original and nine copies of the enclosed
written *Ex Parte* presentation for inclusion in the official files
for PR Docket 92-235.

Very truly yours,

Frederick J. Day

Frederick J. Day
Executive Director
Government Relations

Enclosures

cc: Michele C. Farquhar, Esq.
Rudolfo Baca, Esq.
David Siddall, Esq.

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List ABCDE

TELFAC

Telephone Maintenance Frequency
Advisory Committee

CICS

Council of Independent
Communication Suppliers

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EX PARTE OR LATE FILED

Industrial Telecommunications Association, Inc.

January 6, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Michele Farquhar, Esq.
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Re: Response to Ex Parte Presentation Submitted by the "Coalition of Industrial and Land Transportation Radio Users," PR Docket No. 92-235

Dear Ms. Farquhar:

On December 20, 1996, the above referenced Coalition of Industrial and Land Transportation Radio Users (the "Coalition")¹, submitted an ex parte statement addressing two issues it believes are unresolved in the Federal Communications Commission's "Refarming" proceeding. Specifically, the Coalition discusses the need for a common database in effecting post-radio service consolidation frequency coordination and the need for coordinator concurrences from "home" coordinators, rather than electronic notification, in instances where co-channel licensing is proposed in the formative days of refarming. Finally, the Coalition suggests that until these and associated issues are resolved by the industry, radio service consolidation be deferred.

In behalf of its membership and frequency advisory committee customers, the Industrial Telecommunications Association, Inc. (ITA), has been an active participant during the ongoing effort to craft responsible and administratively pragmatic regulations governing the deployment of private wireless systems in the post-refarming environment. The Coalition has introduced several issues that demand further exploration and comment. We therefore, submit these comments in response to the issues introduced by the Coalition.

... / ...

¹ The Coalition includes the Manufacturers Radio Frequency Advisory Committee, Forest Industries Telecommunications, American Trucking Associations, Inc., International Taxicab and Livery Association and the American Automobile Association.

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COMMON DATABASE REQUIREMENT

We wholeheartedly agree with the Coalition's assessment that the FCC's database should serve as the "starting point" for the fundamental requirement that there exist one common database that defines the licensing environment in the post-refarming era. This fact is understood by all participants, licensees, applicants, radio system suppliers, manufacturers, consultants and frequency advisory committees. In fact, to foster the completeness and accuracy of the FCC's private wireless database, ITA supports the concept that all frequency advisory committee certifications and concurrent FCC Form 600 data sets should be electronically transmitted to the FCC.² In this way, the FCC database would be fully supplanted by containing pending applications submitted by all frequency advisory committees, a concern that was raised by the Coalition. An additional benefit is that licensees and applicants will be able to quickly ascertain the status of their applications at the FCC and be able to confirm that the FCC has their application. We will assume that the FCC will maintain its capability of updating its database as to license grants and/or rejections.³

ITA's interpretation of the statements made by Dr. Harry R. Anderson, President, EDX Engineering, Inc., during the December 17, 1996, meeting of the Land Mobile Communications Council, is somewhat different than that of the Coalition. It is understandable that Dr. Anderson would remark that, in order for his software to function as designed, technical data must be entered in a specific format. That does not mean, however, that all databases used by the frequency advisory committees need to be standardized, only that the data input for the EDX Engineering software needs to be entered in a standard manner. It is quite possible that other engineering software providers may develop programs that conform to the Telecommunications Industry Association (TIA) Working Group 8.8 protocols and that these other programs may require an altogether different data input format from that of the EDX Engineering methods. Alternatively, frequency advisory committees may themselves develop conforming TIA Working Group 8.8 analytical programs. In other words, it is highly unlikely that all frequency advisory committees will be using the same software programs and same data formats; nonetheless, all

² ITA would further suggest that in order for a frequency advisory committee to maintain their FCC certification, FCC electronic notification should become a requirement following resolution of data format and transmittal methodologies. The data format could also serve as the basis for electronic notification among frequency advisory committees in order to improve accuracy and consistency of data.

³ ITA further suggests that the FCC and its certified frequency advisory committees should develop a common electronic data transfer methodology that provides, in a batched mode, FCC licensing activity to be used by the frequency advisory committees to update their individual databases for purposes of performing frequency coordination and selection analyses. The extent of the data transfer required is minimal, i.e, frequency advisory committee number, call sign, expiration data, special conditions, etc., as all pertinent administrative and technical data should already reside within each coordinator's database.

of the programs and data formats employed may be fully compliant with TIA's recommendations.

We agree with the Coalition that, essentially, a common database is created by virtue of the electronic notification process among those frequency advisory committees that share spectrum management obligations within a spectrum pool following radio service consolidation.⁴ The notification and updating is achieved through electronic information exchange at the time a frequency advisory committee certifies an FCC Form 600 for processing at the FCC. It is ITA's recommendation that the data transferred electronically among frequency advisory committees should be identical to the information transferred to the FCC, that is, the information contained within an FCC Form 600. In this way, all parties involved in the entire frequency selection, frequency assignment and licensing issuance process have the identical information at virtually the same time.

The Coalition suggests that the FCC should instruct the industry to develop a common format and content for the exchange of data among coordinators. We believe that the industry, if left to this challenge, would reach the conclusion that the data required by the FCC would become the de facto data to be electronically transferred among frequency advisory committees. As to how, what and when recipient frequency advisory committees process the data received is not the concern of the transmitting frequency advisory committee. The only real concern is that the receiving frequency advisory committees be held accountable for recognition of a prior frequency certification notification. That requirement would serve to reduce the prospects of pre- and post-licensing conflicts.

NOTIFICATION OR CONCURRENCE

The Coalition suggests that the Commission should postpone radio service consolidation until the industry has "an opportunity to develop a consensus on standard coordination criteria." Moreover, the Coalition readily admits that the process may "take many months of actual operating experience". The Coalition further states that "it is imperative that concurrence of 'home' coordinators be required in any instance where co-channel licensing is proposed within a set separation distance".⁵

With all due respect, we disagree with the Coalition's estimate that many months would be required to achieve an industry consensus on standard coordination criteria. A consensus

⁴ We note that the FCC has not precluded the concept that a frequency advisory committee may perform frequency selection and certification activities in any pool or pools ultimately adopted by the FCC.

⁵ While the Coalition notes only co-channel concurrence issues, with the advent of narrowband technologies, issues relating to adjacent channel analyses in both the VHF and UHF bands will be of similar importance.

would never be attained on the issues presented by the Coalition, nor should one be. In place today are a wide range of unique co-channel separation policies developed independently by individual frequency advisory committees. To the chagrin of applicants and licensees, these policies have variously limited spectrum availability to some entities, benefited some classes of private wireless users over other equally deserving groups of licensees, increased license processing costs for both applicants and frequency advisory committees, and routinely contributed to substantial time delays.

The proposition that the FCC should allow a "home" coordinator to retain some form of administrative control over spectrum for which that coordinator may have had jurisdictional control -- until the "industry" arrives at a standard sharing agreement -- is detrimental to the refarming proceeding. Post-consolidation, the FCC's certified frequency advisory committees will have the professional obligation to serve as the "home" coordinator for all of the spectrum and licensees that reside within a consolidated pool of frequencies, not simply a portion of that pool. It is also imperative for the FCC to reaffirm one of its fundamental frequency advisory committee requirements, that is, to conduct the frequency analysis and certification process on a non-discriminatory basis.

The FCC adopted in its Memorandum Opinion and Order⁶, sufficient technical guidelines for the purpose of conducting frequency selection processes in the predominantly shared, private wireless bands below 800 MHz. Further, in its Comments filed in this proceeding⁷, the Land Mobile Communication Council (LMCC) suggested a detailed process that would permit critical private wireless operations to secure protected service areas, which would be recognized by all affected frequency advisory committees.

The frequency selection process is significantly enhanced over traditional processes due to the introduction of narrowband technologies, both analog and digital. Frequency advisory committees have the option, as well as the opportunity, to develop appropriate internal processes to serve both their traditional and future constituencies in the post-refarming, post-consolidation environment. Handicapping the long-awaited benefits of refarming by requiring concurrence among competing frequency advisory committees would be incredibly, and inexcusably, detrimental to the private wireless industry.

⁶ Memorandum Opinion and Order (FCC 96-492), PR Docket Nos. 92-235 and 92-257, adopted December 23, 1996, released December 30, 1996.

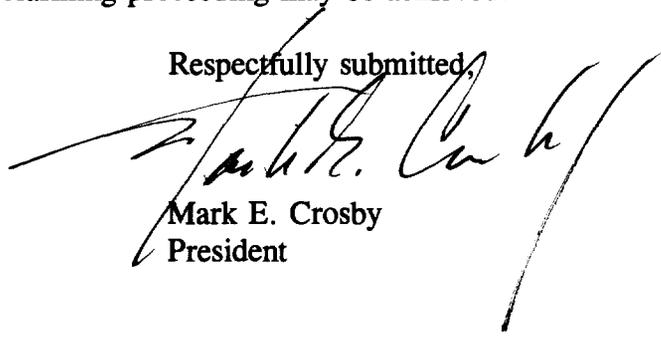
⁷ LMCC Comments, PR Docket No. 92-235, filed November 20, 1995.

CONCLUSION

Electronic notification among all affected frequency advisory committees will serve to facilitate the proper selection and assignment of channels in the refarmed private wireless spectrum below 800 MHz. The data to be transferred should be identical to that required by the FCC to issue a license, FCC Form 600 data.

With adherence to the FCC's technical regulations, application of sound spectrum engineering analyses provided either by commercial providers or internally developed by coordinators, and elimination of unwarranted concurrence encumbrances in the frequency selection process, the benefits of the refarming proceeding may be achieved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark E. Crosby", is written over the typed name and title.

Mark E. Crosby
President

cc: The Secretary

CERTIFICATE OF SERVICE

I, Barbara Levermann, do hereby certify that on the 6th day of January 1997, I forwarded to the parties listed below a copy of the foregoing Letter of the Industrial Telecommunications Association, Inc., by first-class mail, postage pre-paid:

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