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Industrial Telecommunications Association, Inc.

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January 7, 1997

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

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;

PR Docket No. 93-144; Amendment of Part 90 of the  
Commission's Rules to Facilitate Future  
Development of SMR Systems in the 800 MHz  
Frequency Band  
Notice of Ex Parte Presentation

Dear Mr. Caton:

On this date, Mark E. Crosby, President and Chief Executive  
Officer of the Industrial Telecommunications Association, Inc.  
("ITA"), and the undersigned met with Suzanne Toller, Legal  
Advisor to Commissioner Rachelle Chong, to discuss matters  
relating to the above-referenced proceedings.

The discussions focused on: (1) the coordination process  
for frequencies affected by PR Docket No. 92-235 and (2) the need  
to conform the station modification policies for frequencies  
affected by PR Docket No. 93-144. The views presented during  
this meeting have been the subject of previous filings by ITA in  
the above-referenced proceedings and are discussed in greater  
detail in the two enclosed letters previously submitted to the  
Chief of the Wireless Telecommunications Bureau.

In accordance with Section 1.1206(a)(2) of the Commission's  
rules, I am submitting the original and copies of this letter for  
the official files for PR Docket 92-235 and PR Docket No. 93-144.

Very truly yours,

*Frederick J. Day*

Frederick J. Day  
Executive Director  
Government Relations

Enclosures

cc: Suzanne Toller, Esq.

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Industrial Telecommunications Association, Inc.

January 6, 1997

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")<sup>1</sup>, submitted an ex parte statement addressing two issues it believes are unresolved in the Federal Communications Commission's "Reforming" 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 reforming. 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-reforming 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.

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<sup>1</sup> 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.

**TELFAC**  
Telephone Maintenance Frequency  
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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.<sup>2</sup> 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.<sup>3</sup>

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

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<sup>2</sup> 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.

<sup>3</sup> 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.<sup>4</sup> 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".<sup>5</sup>

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

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<sup>4</sup> 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.

<sup>5</sup> 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 Order<sup>6</sup>, 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 proceeding<sup>7</sup>, 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.

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

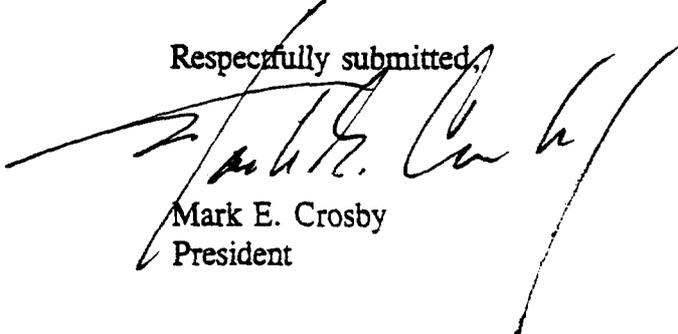
<sup>7</sup> LMCC Comments, PR Docket No. 92-235, filed November 20, 1995.

**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,



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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Barbara Levermann

December 20, 1996

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

**Re: Modification Policy for 800 MHz Systems**

Dear Ms. Farquhar:

In recent meetings with you and staff members of the Commissioners' offices, concern was expressed regarding the present variations in the standards that govern modification of existing 800 MHz land mobile systems. In this letter, the undersigned parties set forth a suggested approach for producing greater uniformity in the processing of 800 MHz modification applications.

Our motivation for suggesting this approach is to establish consistency in the applicable standards. Consistency in the relevant standards will, in turn, promote coherent decision-making, reduce misunderstandings and conserve FCC resources.

**Background**

Currently, incumbent licensees on the upper 200 SMR channels may add new sites without prior notice to the FCC if the new sites are located within the 22 dB $\mu$  contour of an existing site and operation of the new site does not expand that contour. The licensees may implement these changes without advance FCC approval and without having filed a modification application in advance. (*800 MHz First Report and Order*, 11 FCC Rcd. 1463 (1995).)

SMR licensees on the lower 80 SMR channels and the General Category channels may modify their existing systems as long as the proposed modification does not expand the 40 dB $\mu$  contour of the originally authorized site. Unlike licensees on the upper 200 SMR channels, however, licensees on the lower 80 channels and the General Category channels must file an application in advance and receive FCC approval before implementing the proposed changes. (*Public Notice* entitled "Clarification of Wireless Telecommunications Bureau Order Regarding Requests for Waiver of the 800 MHz Specialized Mobile Radio Application Freeze," DA 96-2003, released December 2, 1996.)

... / ...

Michele C. Farquhar, Esq.

December 20, 1996

Page 2 of 4

The above-described modification standards apply only to SMR systems. By the express terms of the implementing documents, licensees of non-SMR private wireless (Industrial/Land Transportation, Business or Public Safety systems) at 800 MHz may not take advantage of the above-described standards for implementing changes in their systems.

### Suggested Approach

Both the public and the FCC would benefit if the standards governing changes in sites for existing systems were to be made uniform for all 800 MHz licensees. As noted above, conforming the standards would promote understanding among the public, improve the efficiency of the Commission's processes and ease the burden on FCC staff who must interpret and articulate the relevant policies.

The undersigned parties suggest the following approach:

- (1) All 800 MHz licensees, both SMR and private, regardless of the range or category of frequencies in which licensed, be permitted to add new sites or relocate existing sites if the new or relocated sites are within the 22 dB $\mu$  contour of an existing site and the modified operations do not expand that 22 dB $\mu$  contour;
- (2) All 800 MHz licensees, both SMR and private, regardless of the range or category of frequencies in which licensed, be permitted to implement such changes without advance FCC approval;
- (3) Licensees who implement changes in their systems pursuant to this policy be required to notify the Commission and their respective 800 MHz frequency advisory committee by means of an application for minor modification filed after the new or modified stations have been constructed.

### Follow-up Action

We believe that it would be highly beneficial to establish a consistent and uniform modification policy for all 800 MHz systems. The approach suggested above would accomplish this result. If you agree with this approach, the Bureau could issue a relatively brief Public Notice to advise all 800 MHz licensees of the conforming policy.

... / ...

Michele C. Farquhar, Esq.

December 20, 1996

Page 3 of 4

If you have any questions, please feel free to contact any of the undersigned parties.

Respectfully submitted,

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American Automobile Association

Alan Shook  
American Mobile Telecommunications  
Association

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American Petroleum Institute

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American Trucking Associations, Inc.

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Michele C. Farquhar, Esq.

December 20, 1996

Page 4 of 4

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