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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

February 12, 1997

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

Re: PR Docket 92-235
Ex Parte filing of Industrial
Telecommunications Association, Inc.

Dear Mr. Caton:

Pursuant to the Commission's Public Notice DA 97-206, released on January 28, 1997, we are filing the Reply Comments of the Coalition of Industrial and Land Transportation Radio Users ("Coalition"). In accordance with the instructions in the Public Notice, the original of the attached response is to be referred to the Private Wireless Division, Wireless Telecommunications Bureau. Two extra copies are also enclosed. They are for the Commission's official files for PR Docket 92-235.

Please communicate with us if further information is required.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

George Petrutsas
Counsel for Coalition of Industrial
and Land Transportation Radio Users

GP:cej
Enclosures

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Serving The Telecommunications Industry For Over Sixty Years

COALITION OF INDUSTRIAL AND LAND TRANSPORTATION RADIO USERS

February 12, 1997

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

Attn: Private Wireless Division
Wireless Telecommunications Division

Re: Ex Parte filing of Industrial Telecommunications Association (ITA) in PR Docket 92-235
FCC Public Notice DA 97-206

REPLY COMMENTS

Dear Mr. Caton:

The Coalition of Industrial and Land Transportation Radio Users ("Coalition") files these reply comments on the above-captioned matter, pursuant to Public Notice, DA 97-206, released on January 28, 1997. Because of the very limited time provided for reply comments, the Coalition confines its reply to the filing of UTC - The Telecommunications Association ("UTC"), to the extent that such filing promotes adoption of UTC's own consolidation proposal.[1]

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[1]On February 7, 1997, ITA submitted a proposed listing of the frequencies in the 25 - 50 MHz bands based on a two-pool consolidation of those frequencies. As noted in its Comments, the Coalition believes that consolidation of the 20 - 50 (and 72 - 76) MHz private land mobile frequencies is outside the scope of the proceeding. Moreover, in the limited time provided, it has not been feasible to analyze ITA's frequency listing and the accompanied notes and file useful comments. Therefore, any consolidation of the low band should be deferred to a separate proceeding, if entertained at all.

Briefly, while the Coalition agrees fully with UTC's characterization of ITA's two-pool proposal as "ill conceived," the Coalition does not believe that UTC's own proposal is a worthy substitute. The Coalition, therefore, would oppose adoption of UTC's service consolidation proposal.

The Coalition discussed UTC's three-pool proposal in its comments on the various consolidation proposals submitted in PR Docket 92-235.[2] As the Coalition pointed out UTC's plan would not distribute more evenly frequency assignments, would not necessarily enhance the ability of licensees to employ advanced technology, and would not simplify interservice sharing of frequencies. Indeed, UTC's plan would restrict severely interservice sharing. Moreover, UTC's proposal would cause massive frequency shifts and disruption, and would require the relocation of thousands of existing communications systems.

In the Coalition's view, UTC's plan is designed to enhance the interests of UTC's own constituents to the detriment of local and state governmental agencies, and to the detriment of industrial and land transportation concerns for which reliable land mobile wireless communications are critical for safety and for the efficient conduct of their operations. UTC's plan ignores that several industries, besides those UTC would include in its "public service" pool, provide emergency response and safeguard vital elements of the Nation's infrastructure. For example, large industrial complexes routinely provide vital services to surrounding communities such as fire protection and suppression, medical emergency response and other emergency services. Industrial radio promotes industrial safety and helps safeguard the Nation's industrial infrastructure. The forestry industry's radio communications facilities promote safety in a very hazardous industry, help safeguard an important natural resource, and play a vital role in preventing and suppressing forest fires in close cooperation and coordination with local, state and federal fire-fighting forces. Taxicabs cooperate and coordinate increasingly with the police in preventing and reporting crime in high crime

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[2]See, Reply Comments on Consolidation Plan, filed in PR Docket 92-235 by the Coalition of Industrial and Land Transportation Radio Users on January 16, 1996, pp. 10-16. Copy of those reply comments is attached for ready reference.

urban areas; taxi drivers suffer the highest homicide rate of any occupation. Automobile emergency responses play a vital role in highway safety. The trucking industry, also ignored by UTC, is an important part of the Nation's transportation infrastructure and radio plays an increasingly important role for safety and efficient operation.

For the foregoing reasons, and those discussed in the Coalition's above-referenced Reply Comments, it is respectfully submitted that the public interest would not be served by the adoption of UTC's three-pool consolidation proposal. Nor would the public interest be served by the adoption of ITA's two-pool proposal. The Coalition respectfully submits that adoption of the four-pool consolidation proposal the Coalition has proposed would be a good compromise and would serve the public interest. The proposal fits well within the Commission's consolidation guidelines, would serve the specialized needs of the land mobile wireless users, would be the least disruptive and would be consistent with the findings described in the Bureau's important recent white paper on the Private Land Mobile Radio Services.

Accordingly, the Commission is urged to reject both ITA's two-pool consolidation proposal and UTC's three-pool consolidation proposal and adopt the plan proposed by the Coalition.[3]

Respectfully submitted,

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[3]In its February 7 Comments, the Coalition referenced ITA's proposed limitation 19 which appears to unduly restrictive. ITA's limitation 11 suffers from the same deficiency.

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RECEIPT

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

RECEIVED
JAN 16 1996
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	)	PR Docket No. 92-235
and	)	
Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services	)	

To: The Commission

REPLY COMMENTS ON CONSOLIDATION PLAN

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Filed: January 16, 1996

TABLE OF CONTENTS

Page No.

Summary ii

I. The Record Supports Retaining the Current System 1

II. The Coalition Pooling Plan Would Best Serve the Public Interest If Pooling Is Required 4

A. The PCIA/ITA Proposal Would Not Serve the Public Interest 6

B. UTC's Consolidation Proposal Is Flawed 10

(1) UTC's Consolidation Plan Will Not Achieve Commission Objectives 11

(2) UTC's Proposed Service Groupings Are Arbitrary and Are Substantially Inconsistent with UTC's Own Rationale 12

(a) The proposed emergency response category excludes state and local governmental agencies with significant public safety responsibilities 12

(b) UTC's proposed "public service" makes little sense and would also result in massive dislocations 13

(c) The composition of UTC's proposed business/commercial category is also arbitrary and it is based on incorrect premises 15

C. API's Proposed Consolidation Proposal Suffers Related Problems 16

Conclusion 16

SUMMARY

The record in this proceeding concerning the pooling of radio services supports retention of the current system. The Commission has made public safety a special category with regard to pooling, and the Coalition of Industrial and Land Transportation Users (the "Coalition") takes no position with regard to a safety pool. However, as demonstrated herein, a majority of the non-safety frequency coordinators support the current system of individual radio services. These services were created based on a finding of compelling public interest considerations, and these considerations have not changed. This fact is reflected in the inability of the various radio services to reach a consensus. For the numerous radio services which involve the use of radio for safety-related reasons (including the radio services coordinated by the Coalition), it is vital that some form of separate radio services be retained.

In the event that some form of pooling is required, the pooling plan submitted by the Coalition would best serve the public interest, since it is based on the manner in which the various radio services traditionally have been grouped in the past.

The two pool proposal of the Personal Communications Industry Association/Industrial Telecommunications Association, et al. is seriously flawed, because it assumes that all or most licensees will be able to secure exclusivity under the Commission's proposed rules. Many users will not be able to reach an agreement with co-channel licensees or meet the loading requirement which may be adopted. More importantly, this approach would destroy the concept of private radio, and ignore the efficiencies in facilitating hundreds of thousands of shared users that can be achieved under the present system. A two pool approach would also lump together many incompatible users, to the detriment of all.

The proposal of UTC is also fundamentally flawed. It would severely limit interservice sharing, contrary to the Commission's goals; and UTC's proposed emergency response category would exclude local governments as well as agencies responsible for important safety-related functions. Its proposed "public service" category excludes a number of users with critical safety-related needs for reliable communications, even though these users will provide "critical logistical functions" to the public. The consolidation proposal of the American Petroleum Institute ("API") suffers from the same infirmities.

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	)	PR Docket No. 92-235
and	)	
Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services	)	

To: The Commission

REPLY COMMENTS ON CONSOLIDATION PLAN

The Coalition of Industrial and Land Transportation Radio Users (the "Coalition") hereby submits its reply to the comments filed in connection with the Commission's proposal for consolidation of the private land mobile radio services below 512 MHz.

The Coalition includes five trade associations representing tens of thousands of private land mobile licensees and an installed base of over one-half million transmitters. It includes the American Automobile Association; American Trucking Associations, Inc.; Forest Industries Telecommunications; International Taxicab and Livery Association; and Manufacturers Radio Frequency Advisory Committee, Inc.

I. The Record Supports Retaining the Current System.

The Commission has asked the industry to negotiate and submit a consensus plan to consolidate the 20 different radio services into a smaller number of pools. Instead of an industry agreement

on a single plan for consolidation, several alternative plans have been submitted by various parties. It is a measure of the complexity and controversy generated by this proposal that some have filed comments supporting more than a single alternative plan. Even the public safety frequency coordinators have been unable to agree on how the public safety pool should be structured and managed.

However, it is clear from the comments filed on this issue that most in the industry believe that consolidation is ill advised and can only destroy a system that has generally worked well over many years. Contrary to the Commission's stated goals, it will make the spectrum usage situation worse instead of better; it will add to frequency coordination costs; and it will increase the risk of interference.

Indeed, of the eight commenters submitting specific pool proposals, five agreed with the principle that the present system worked. The five members of the Coalition who are frequency coordinators joined with two other frequency coordinator entities (the Central Station Alarm Association and the American Association of Railroads) to file a statement of consensus demonstrating this fact, and urging the Commission to abandon the pooling proposal. And the American Petroleum Institute ("API"), which is responsible for frequency coordination of the Petroleum Radio Service, agreed in its November 20, 1995 Supplemental Comments (at pp. 6-7) that the present system "has functioned quite well." Thus, of the 14 appointed frequency coordinators for non-public safety services, the majority (8) agree that the present system does not need to be

replaced and serves the public interest. The Commission is strongly urged to heed this response and preserve the status quo for frequency coordination.

It is noteworthy that the coordinators who favor retention of the existing system include those who coordinate radio services which involve hazardous activities, or have important safety aspects to them (such as the Automobile Emergency Radio Service; Railroad Radio Service; Forest Products Radio Service; and Manufacturers Radio Service). These radio services are used to rescue stranded motorists in sub-zero temperatures and clear road hazards; prevent catastrophic train collisions; prevent and fight forest fires; and avoid industrial accidents which could injure employees and the public, or which could lead to environmental disasters. Congress has repeatedly made clear the overriding importance of safety, in Section 1 of the Communications Act of 1934, as amended, and elsewhere. As API and AAR note in their comments, many of these "private" activities are under a statutory obligation to provide reliable, redundant safety communications. In contrast, entities urging the Commission to severely reduce the number of pools are mostly those whose constituents operate commercial systems. As discussed below, while for-profit systems certainly serve an important role in communications, the Commission has provided many avenues and a great deal of spectrum for commercial operations. However, the vital role of private and safety-related operations must not be jeopardized.

II. The Coalition Pooling Plan Would Best Serve the Public Interest If Pooling Is Required.

Because the Commission has indicated a strong intent to consolidate the radio services in any event, several individuals or groups have filed comments on alternative plans so that they will have a voice in the final outcome of this issue. The Coalition has proposed a plan calling for establishment of four pools, based on the manner in which the various radio services traditionally have been grouped in the past. These pools are described in detail at pp. 3-6 of the Coalition's November 20, 1995 Comments. The Coalition continues to believe that this proposal is the best alternative, if some form of consolidation is mandated by the Commission.

As discussed below, the Coalition strongly disagrees with the joint proposal by the Personal Communications Industry Association and Industrial Telecommunications Association (and groups whose radio services are coordinated by ITA) ("Joint Comments"). The Joint Comments propose to establish only two pools: a public safety pool and a public service pool. Under this concept, anyone that is not in the public safety pool will automatically fall into the public service pool. The proposal of the Utilities Telecommunications Council raises similar concerns which are addressed below. The alternative proposal of API is also addressed. The Coalition will leave it to the public safety industry and the Commission to determine how frequency allocations for public safety entities will be structured.

Unfortunately, as others have pointed out, the Commission's analysis regarding the need for consolidation is badly flawed. Spectrum management does not simply mean balancing the number of users or mobile units authorized on each frequency so that each frequency has approximately the same number of mobiles or users. No judgement is necessary to achieve this end. True spectrum management requires a knowledge of how frequencies are used, which can only come with an intimate knowledge of the industry and its users, and judgement to achieve the best and most equitable mix of users. This requires that some frequencies be less loaded than others. For example, radio operations that have important safety aspects must use frequencies which will be available in emergencies, and cannot tolerate the higher usage levels of frequencies that are used for routine communications. It is for this reason that the different radio services were established in the first place.

As the types of systems in operation becomes more complex (with a mixture of digital and analog systems, wideband and narrowband systems, all sharing the same spectrum), the judgement exercised by frequency coordinators familiar with their respective industries becomes even more important than it has been in the past. The Coalition plan recognizes these facts, and accommodates the needs of safety-related operations.

A. The PCIA/ITA Proposal Would Not Serve the Public Interest.

The two pool proposal advocated by ITA and PCIA is flawed. The premise for its approach is the notion that with "protected service areas" (i.e., exclusivity), and the introduction of "trunking technologies and digital techniques," it becomes impossible to distinguish between different types of communications or different radio services. Id. at 2. All that matters, according to the commenters, is adequate spacing between stations. From this the commenters proceed to argue that only two pools, Public Service and Public Safety, are needed.

There is no merit to the proposal. First of all, it views the private radio world solely through the lens of exclusivity, i.e., as if virtually all licensees will opt for exclusivity, or be relegated to secondary status. Such a view disregards the many thousands of users who will elect to remain on shared use channels; or who will convert to more efficient technology (e.g., 12.5 or 6.25 kHz equipment) but will not be able to conclude the exclusivity agreements which are a condition precedent to exclusivity below 512 MHz;[1] or who convert but are unable to achieve a minimum loading level.[2] In other words, many users will be unable or unwilling to secure protected service areas. These users deserve protection for

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[1] In larger metropolitan areas it will prove difficult to secure the concurrence of all co-channel licensees since there may be scores of such users.

[2] A loading requirement is contemplated as part of the LMCC Comments on exclusivity filed November 20, 1995. ITA and PCIA were principal proponents of those Comments.

their communications. Indeed, the advent of digital technology will make frequency coordination by representative coordinating groups even more important than is the case today: in a digital environment one cannot readily ascertain the source of an interfering signal, something which is not true of today's analog transmissions. Yet the commenters do not admit of problems such as these.

In short, the premise for the two-pool proposal is fallacious: there will remain an important need for grouping like users with like users, at least in terms of some broad industry classifications as suggested by the Coalition.[3]

Even still, says ITA/PCIA, the Business and Special Industrial Radio Services reflect a successful consolidation of disparate types of users. The Coalition begs to differ: interference-levels which characterize the Business Radio Service, the example, evidence just the opposite proposition. Moreover, the consequences of interference to major industrial and land transportation users are not to be equated with the ability of a customer to place an interference-free hamburger order. Interference to assembly-line control or control devices, the dispatch of airport ground transportation for thousands of travelers per day, the dispatch of emergency road

---

[3] ITA has repeatedly voiced its opposition to the notion of resale of excess capacity, a view embodied in LMCC's Comments filed November 20, 1995, at p. 18. Curiously, though, the ITA/PCIA comments envision creation of a pool for non-public safety users with no reference to the exclusion of new (as opposed to grandfathered) commercial carriers. It is unclear whether this omission is by design or by accident. If the former, then the two-pool proposal would represent a death-knell for private radio use below 512 MHz: Over time, carriers would likely acquire the lion's share of the frequencies heretofore allocated for private radio use.

service to a stranded motorist, or response to a forest fire or logging accident are entitled to greater protection.[4] The representative coordinator system endorsed by Congress helps ensure that protection. While the agency may determine that 20 different services are not necessary to preserve user compatibility, ITA/PCIA's lurch to the other extreme would be a disservice to the private radio community.[5]

The Coalition does not disagree with ITA/PCIA that post-consolidation coordination procedures would need to be established (id. at 8-10). The Coalition takes vigorous exception, however, to the notion that the Commission should not mandate the use of a national database. Apparently ITA and PCIA see creation of such a database as a competitive threat. But creation of a coordination database need not intrude upon any coordinator's ability to continue using its own proprietary database for marketing purposes (the use which the commenters seem most intent on protecting). It simply means that coordination agencies wishing to do so would utilize a common database for coordinations, and their own proprietary databases for marketing.

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[4] Where safety has been a concern, it has proven vital that the Coalition members have had the frequencies dedicated for their use in their respective Radio Service, since they could be assured of access to at least some spectrum which was not crowded with incompatible users.

[5] The fact that ITA and PCIA have concluded that they can share frequencies as between their heterogeneous users lends support to the Coalition's proposal that the Business and Special Industrial Radio Services be consolidated. See the Coalition's Comments filed November 20, 1995.

The commenters' proposal that some form of electronic data exchange be implemented as a substitute for a common database would drive up the cost of competitive coordination as every single coordinator would need to replicate what amounts to a national database for pending coordinations. Such a requirement would raise the aggregate costs to society for coordination services, reduce consumer welfare, and raise barriers to entry for new coordination providers; conversely it would favor entrenched, deep pocket coordinators by minimizing competition for coordination services, or create a de facto duopoly for non-public safety coordination services. In that respect the proposal is anticompetitive in effect, if not intent.

Furthermore, today's coordinating agencies employ a wide variety of hardware and operating systems from UNIX-based systems to DOS-systems, and from mini-computers to PCs. Implementation of EDI in such an environment would be complex and costly compared to a common database; computers accessing a common database need only be able to read an ASCII file. In short EDI has its purposes, but substitution for a national database is not one of them.

Use of a national database would greatly simplify the task of resolving or avoiding disputes: all coordinators would work off of, and have access to, the same coordination data, minimizing contention over the accuracy of any one coordinator's records as opposed to that of another. Any coordinator such as PCIA (id., p. 12) which wished to make a note of a conversation with an applicant would be free to do so using its own proprietary system.

In sum, adoption of the ITA/PCIA consolidation proposal would increase the complexity and cost of frequency coordination and the frequency assignment process; would increase the risk of interference to important communications systems; and, unless precautions are taken, such as mandating the use of a national land mobile database, would reduce competition in the provision of coordination services. Accordingly, it is respectfully submitted that adoption of the proposal would not be in the public interest.

B. UTC's Consolidation Proposal Is Flawed.

The proposal submitted by UTC, the Telecommunications Association ("UTC"), is also fundamentally flawed. It will not achieve the Commission's own objectives (except for reducing the number of service categories),[6] it is arbitrary and illogical, and would cause unnecessarily massive disruptions. It disregards historical patterns of frequency sharing and would require massive frequency reallocations. It is crafted to enhance the interests of UTC's own constituents to the detriment of local governments and state and local government agencies, and to the detriment of important industrial and land transportation concerns for which reliable radio

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[6] UTC would create the following three groups. (1) Emergency Response, to include the Police, Fire, Emergency Medical and Special Emergency Radio Services; (2) Public Service, to include the Local Government Highway Maintenance, Forestry-Conservation, Power, Petroleum and Railroads Radio Services, and (3) Business/Commercial, to encompass the Forest Products, Manufacturers, Telephone Maintenance, Motor Carrier, Automobile Emergency, Taxicab, Special Industrial, Business Relay Press, and Film and Video Production Radio Services.

communications are critical for safety and for the conduct of their operations.

(1) UTC's Consolidation Plan Will Not Achieve Commission Objectives.

UTC has not even attempted to show how its proposal would help promote the objectives of the Commission's decision to consolidate the services, except to the extent that it would reduce the number of service categories to three. The plan is not designed to distribute more evenly frequency assignments (indeed, the contrary is the most likely result), enable licensees to employ advanced technologies more easily, or simplify interservice sharing. It will not distribute frequency assignments more evenly. Instead, it will increase existing disparities. It would severely limit interservice sharing, which has been an effective and successful mechanism for addressing uneven distribution of frequencies. UTC's plan would allow interservice use of frequencies for those who most likely would not need them but would deny it to those who most likely would need them.[7] Certainly in this respect, UTC's plan runs squarely against the Commission's desire to provide for more even distribution of assignments in the land mobile radio services.

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[7] Under UTC's proposal, eligibles in the proposed "emergency response category" will be permitted to access frequencies in the "public response" and in the business/commercial categories. Eligibles in the proposed "public response" category would be permitted to use frequencies in the "business/commercial" category. However, eligibles in the "business/commercial" category will not be permitted access to the frequencies in the other two categories. See UTC, Comments, p. 11.

(2) UTC's Proposed Service Groupings Are Arbitrary and Are Substantially Inconsistent with UTC's Own Rationale.

(a) The proposed emergency response category excludes state and local governmental agencies with significant public safety responsibilities.

UTC's proposed "emergency response" category would include the Police, Fire, Emergency Medical and the Special Emergency Radio Services. It would exclude local governments as such as well as state and local agencies responsible for highway construction, operation and maintenance and agencies responsible for state forest and conservation activities, including agencies responsible for responding to forest fires and the prevention and containment of environmental disasters. While the Coalition expects those directly affected by this particular proposal to respond and we would defer to their views, we are constrained to point out some obvious flaws. For example, stations licensed in the Local Government Radio Service are often used for police and fire purposes and for medical response, especially in small municipalities. Yet, UTC's plan would not include such systems in this category. Highway and forestry and conservation agencies use their radio facilities to promote safety of life and property, particularly in forest fire emergencies or when highways must be opened during storms, floods, or other natural emergencies. Yet, UTC would keep those services out of the emergency response category while it would include in it such entities as veterinarians, school buses, beach patrols, communications standby facilities and establishments in isolated areas (such as hunting lodges).

The current Public Safety Services share many frequencies and many adjacent frequencies are allocated to different Public Safety Services. See Section 90.555 of the Commission's Rules. Many of the frequencies allocated to the Public Safety Services in the 450-460 MHZ band are shared by all Public Safety Services. Therefore, adoption of UTC's plan would require massive reallocation of public safety frequencies and would destroy established sharing patterns, as well as coordination mechanisms already in existence. UTC has not explained how such disruptions and dislocations are to be handled and, certainly, has not shown any overriding public interest benefits its proposal would bring about.

(b) UTC's proposed "public service" makes little sense and would also result in massive dislocations.

UTC explains that it has included in its proposed "public service" category entities that provide "critical logistical functions" in support of the general population for which "channel availability" is essential and among which there are "functional similarities." UTC Comments, p.7. Pursuant to that rationale, UTC would place under the same category, utilities, the petroleum industry, the railroads, all local governmental functions, including forestry, conservation and highway departments.

Excluded from that category would be industries which have equally critical needs for reliable communications, including many which provide vital "logistical support" to the general public and which operate pursuant to governmental franchise. For example, the trucking industry provides "critical logistical support functions"

in support of the general public and so does the taxicab industry. Both would be excluded. The telephone industry uses private mobile radio in much the same manner and for similar purposes as do the utilities (network maintenance and service restoration). The telephone industry would be excluded. The manufacturing industry also provides critical logistical functions and must have reliable radio communications for safety and for operational efficiency. It too, will be excluded. In the forest products industry, the principal function of radio is safety, not only for the licensee's own personnel but for the safety of the general public, particularly during forest fires and other emergencies, and it is required by federal and state forestry authorities. The auto clubs cannot provide their emergency road service without reliable radio. Both industries would also be excluded.

There are more "functional similarities" between state forestry departments (the Forestry Conservation Radio Service) and the forest products industry (the Forest Products Radio Service) than there is between the utility or the petroleum industries and state forestry departments. There is more similarity between highway departments and automobile emergency service providers than there is between highway departments and utilities and the petroleum industry. Yet, the forestry industry and auto clubs would be excluded. There is no similarity of functions or of radio usage between railroads and utilities, or railroads and the petroleum industry. Yet, they would be in the same category. There is more similarity of functions between the manufacturing industry and the

refining aspects of the petroleum industry than there is between the functions of the petroleum industry and the normal governmental functions of local-governments. In short, there is very little, if any, logic to UTC's proposal for this category.

Clearly, UTC's public service proposal is arbitrary. It makes very little sense, except if it is viewed, as it must be, as a means for promoting UTC's own interests and those of its constituents. Yet, if adopted, it would require massive reallocation of frequencies from the Public Safety, from the Industrial and from the Land Transportation Services to that category. It would abolish many of the existing shared service allocations. As noted earlier, the Public Safety Services share a substantial number of frequencies. The utilities and the petroleum industries also share many frequencies with the forest products, with the manufacturing, and with the telephone industries, and the taxicab, motor carrier, and the automobile emergency and the railroad industries also share a substantial number of frequencies, particularly in the 450-470 MHZ band.[8] Those shared allocations will also have to be broken up. UTC does not discuss those consequences of its proposal for obvious reasons.

(c) The composition of UTC's proposed business/commercial category is also arbitrary and it is based on incorrect premises.

UTC says that the industries UTC would lump into the third category "are not required to respond to life and death situations"

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[8] See the bar charts attached to the Coalition's November 20 Consolidation Plan for a graphic depiction of the extent of this sharing.

nor are they engaged in the delivery of vital public services such that "delay of response . . . would create a threat to life, and property". UTC Comments, p.8. UTC is wrong. Forest products radios and taxi radios, for example, are very frequently used in life and death situations: the logging industry has the highest rate of accidental death for any occupation, while the taxicab industry has the highest homicide rate for any occupation. This is also true in other industries in this group and many of them are clearly engaged in activities where delays because of communications failures or delays would create or threat to life or property. This grouping is as arbitrary as UTC's other two groupings.

In summary, UTC's proposal is extremely arbitrary, and would require massive frequency reallocations and eventually massive dislocation of existing users. Therefore, it should be rejected.

C. API's Proposed Consolidation Proposal Suffers Related Problems.

API's proposes five (5) service categories: (1) an industrial safety service, (2) an emergency response service, (3) a non-commercial radio service, (4) a SMR service, and (5) a general category. Its proposal suffers from the same infirmities as the UTC proposal and in addition brings into the picture a commercial service ("SMR") and a "general category," both of which are highly undesirable and inconsistent with the nature and purpose of the private land mobile radio services.

Conclusion

In light of the foregoing, the Coalition reiterates its belief that the Commission should continue the present system of individual radio services. The majority of entities commenting on consolidation agree. If the Commission nevertheless decides to go forward with the consolidation of radio services, the services that should be grouped together are those that have traditionally shared frequencies or have been able to work together in the past to make sharing of frequencies workable for all parties. Thus, the Coalition submits that its proposal for consolidation among traditional radio service groupings is the most logical choice for the Commission to make. A copy of these reply comments is being sent to each party of record.

Respectfully submitted,

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