

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

DOCKET FILE COPY ORIGINAL

RECEIVED

MAY 2 1997

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 and )  
Examination of Exclusivity )  
and Frequency Assignment )  
Policies of the Private Land )  
Mobile Radio Services )

PR Docket No. 92-235

To: The Commission

STATEMENT IN SUPPORT  
OF THE  
AMERICAN PETROLEUM INSTITUTE

The American Petroleum Institute ("API") by its attorneys, hereby submits this Statement in Support of the Petition for Clarification filed in the above-captioned matter by Motorola, Inc. ("Motorola")<sup>1</sup>

---

<sup>1</sup> Motorola Petition of Clarification, PR Docket No. 92-235, filed February 14, 1997.

No. of Copies rec'd 029  
List ABCDE

## I. PRELIMINARY STATEMENT

1. API is a national trade association representing approximately 300 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing, and transportation of petroleum, petroleum products and natural gas. Among its many activities, API acts on behalf of its members as spokesperson before federal and state regulatory agencies. The API Telecommunications Committee is one of the standing committees of the organization's Information Systems Committee. One of the Telecommunications Committee's primary functions is to evaluate and develop responses to state and federal proposals affecting telecommunications services and facilities used in the oil and gas industries. Consistent with that mission, it also reviews and comments, where appropriate, on other proposals that impinge on the ability of the energy industries to meet their telecommunications needs.

## II. COMMENTS

2. In its Petition for Clarification, Motorola seeks increased bandwidth flexibility. Motorola is concerned that the amended rules, adopted by the Federal Communications

Commission ("FCC") in its Memorandum Opinion and Order ("MO&O") of December 23, 1996, set strict limits on channel bandwidth; these limits were adopted by the Commission because refarmed channel assignments will be spaced closer than current channels.<sup>2</sup>

3. In its Petition, however, Motorola notes that efficient new technologies reduce the potential for harmful out-of-band emissions. API agrees with Motorola's view that out-of-band emissions will be decreased by advancements in technological developments included in new narrowband equipment.

4. Similarly, API agrees with the Industrial Telecommunications Association ("ITA"), which stated in its Comments that if the FCC is concerned about out-of-band emissions, the FCC could require users to prove to frequency coordinators that their proposed deployment of two 12.5 kHz emitters will not result in out-of-band emissions more severe than those that occur from a single 25 kHz emitter. API believes the FCC should utilize the frequency coordination and type acceptance processes, rather than an

---

<sup>2</sup> Memorandum Opinion and Order, PI Docket No. 92-235, adopted December 23, 1996, (62 Fed. Reg. 2027 (1997)).

outright prohibition, as a method of avoiding harmful interference.

5. API shares Motorola's high regard for the Commission's decision to encourage the deployment of new technologies through the equipment authorization process rather than by requiring users to replace existing equipment. API does not agree with Motorola, however, that a sunset provision "ultimately will be necessary" to address the continued use of 25 kHz equipment. See, Motorola's Petition for Reconsideration at 2. Instead, API encourages the Commission to reward incumbents for transitioning to narrowband equipment with exclusive licenses and access to their adjacent "refarmed" channels.

### III. CONCLUSION

6. API reiterates its support of the spectrum efficiency goals of the refarming proceeding. API also urges the FCC to continue the development of a regulatory framework that is technology-neutral to the maximum extent possible. Consistent with that objective, API believes that if users and manufacturers can demonstrate to the frequency coordinators that the deployment of four 6.25 kHz emitters, two 12.5 kHz emitters, or even five 5 kHz emitters, will not

result in more harmful out of band emissions than those which occur from a single 25 kHz emitter, that these configurations should be allowable.

**WHEREFORE, THE PREMISES CONSIDERED,** the American Petroleum Institute respectfully submits the foregoing Statement in Support of Motorola's Petition for Clarification, and urges the Federal Communications Commission to act in a manner consistent with the views expressed herein.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE

By: Wayne V. Black  
Wayne V. Black  
John Reardon  
Keller and Heckman, LLP  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
(202) 434-4100

Its Attorneys

Dated: May 2, 1997

CERTIFICATE OF SERVICE

I, William Owen, a secretary in the law firm of Keller and Heckman, LLP, do hereby certify that a copy of the foregoing Statement in Support of the American Petroleum Institute has been served this 2<sup>nd</sup> day of May, 1997, by First Class United States Mail to the following:

Richard C. Barth  
Director of Telecommunications Strategy  
And Regulation  
Motorola  
1350 Eye Street, N.W.  
Washington, DC 20005

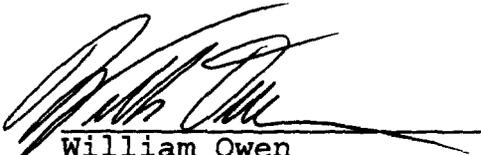
Stuart E. Overby  
Assistant Director  
Spectrum Planning  
Motorola  
1350 Eye Street, N.W.  
Washington, DC 20005

Mark E. Crosby  
Industrial Telecommunications Association, Inc.  
1110 North Glebe Road  
Suite 500  
Arlington, VA 22201-5720

International Transcription Service, Inc.  
2100 M Street, N.W.  
Suite 140  
Washington, DC 20037

Ira Keltz  
Federal Communications Commission  
Wireless Telecommunications Bureau  
Private Wireless Division  
2025 M Street, N.W.  
Room 8119  
Washington, DC 20554

Dated: May 2, 1997

  
William Owen