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

To: The Commission

PETITION FOR RECONSIDERATION

Manufacturers Radio Frequency Advisory Committee, Inc. ("MRFAC"), by its counsel, hereby requests reconsideration of the Second Report and Order in the above-captioned proceeding (FCC 97-61, released March 12, 1997; hereinafter the "Report and Order"). This Petition is limited to one aspect of the decision; namely, the determination that entities seeking to trunk facilities below 512 MHz secure co- and adjacent channel consents from all licensees within 70 miles.

INTRODUCTION

As the Commission is aware, MRFAC is a Commission-certified coordinator for Part 90 frequencies, and a representative trade association of the nation's manufacturers. MRFAC's membership comprises a cross-section of the nation's manufacturing industry. Member firms range from large national and multi-national corporations to much smaller companies. These firms are found in all parts of the country, in both urban and rural areas, and while some member firms manufacture primarily one product, others have diversified operations.

Manufacturing is vital to the economic well-being of the United States. Since the end of World War II, manufacturing has constituted between 20-23% of the Gross Domestic Product ("GDP"). Indeed, when intermediate production is accounted for, manufacturing constitutes nearly one-third (31%) of total U.S. economic activity.

U.S. manufacturers have experienced a dramatic experience in their global competitiveness in recent years. Between 1987-1994 manufactured exports grew at a rate of 9.3% annually, twice the rate of import growth. Moreover, from 1986-1996 U.S. exports grew significantly faster than those of its primary competitors, Germany and Japan (U.S. exports grew at an

average of 10.6% per year; Germany's at 4.1% and Japan's at 2.4%). Because American manufacturing has increased its trade competitiveness, the American share of world merchandise exports has increased significantly since its low in 1986.

Radio communications and, more specifically, private radio, is vital to the continued success of U.S. manufacturers. Private radio enhances productivity, and plays an important role in worker safety. It is central to the improved global competitiveness of the industry. Among other things, private radio is used for just-in-time delivery, for assembly line automation, for inventory control, for emergency medical communications, for plant security, and for production control.

These are just a few of the many different and highly specialized ways in which manufacturers utilize private mobile radio facilities. Without the ability to own and operate such systems on an interference-free basis, U.S. manufacturers would be seriously handicapped.

BACKGROUND

The Report and Order extends opportunities for centralized trunking to licensees below 512 MHz. The Commission reached this decision in order not to further delay the spectrum efficiency gains which trunking can provide.

Many manufacturers can be expected to take advantage of trunking as a way of capturing additional efficiency gains. Especially when combined with exclusivity (when available), trunking offers special benefits.

Unfortunately the Report and Order's implementation of trunking is such as to deprive it of much of its attractiveness. In particular, the Report and Order adopts criteria which would impose a substantial and unnecessary burden on trunking applicants to secure consents from all licensees whose service areas overlap a circle with a radius 70 miles from the trunking applicant's base station. Moreover, such consents would have to be obtained from co- and adjacent channel licensees. Id. at para. 58.

DISCUSSION

The trunking criteria should be reconsidered and revised.

In particular, concurrences should be required only from co- and adjacent channel licensees whose service contours (37 dBu in the case of VHF and 39 dBu in the case of UHF) overlap a prescribed interference contour of the trunking applicant.

Many manufacturers operate systems whose coverage is limited to the confines of a plant or factory. These systems are low power. Many others are licensed for systems which provide somewhat wider coverage so as to serve, for example,

transportation of components and materials between and among facilities in the same area. Even though these systems are higher-powered, they are still not of the sort which provide coverage out to 70 miles, or anything like it. Indeed, under the new height-tower tables in Rule 90.205, service area maxima will be generally 25 miles from the base station at VHF, 20 miles at UHF. For this reason as well, it is unnecessary to require concurrences out to 70 miles.

If manufacturers and other users are forced to secure concurrences from licensees out to 70 miles, trunking will often be more trouble than it is worth. This is especially the case given the fact that trunked systems cost several times that of conventional systems. In other words, licensees will often decide that it is cheaper and less bothersome to simply apply for and obtain another conventional channel or two (or more) rather than invest in trunking. These are not the sort of incentives which the Commission should wish to create -- least of all in a proceeding dedicated to the proposition that private land mobile spectrum should be used more efficiently.[1]

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[1] The Report and Order adopted trunking rules patterned after the rules developed for interconnection of shared channel base stations. See Report and Order in PR Docket No. 84-414, FCC 85-95, released March 26, 1985. However, licensees should only expect protection out to their service contours, not beyond it.

To be sure, the approach suggested above may entail some additional analysis at the frequency coordination stage. But not so much as to outweigh the benefits of the proposal. On the contrary, even the Commission's conclusion in favor of 70 miles presumes a determination of other licensees' respective 37 or 39 dBu service contours; requiring a determination of the trunking applicant's interference contour would not add materially to the applicant's burden.[2]

CONCLUSION

Accordingly, for the foregoing reasons MRFAC urges the Commission to revisit the trunking issue and revise its rules so

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[2] The value for the interference contour presumably should be approximately 19 dBu in the case of a 37 dBu service contour, and 21 dBu in the case of a 39 dBu service contour. Rather than attempting to resolve this via pleadings, however, MRFAC would suggest that this issue be the subject of further discussion among coordinators, Telecommunications Industry Association Working Group 8.8 representatives, and the Commission.

as to allow same subject to obtaining concurrences when there is prescribed contour overlap.

Respectfully submitted,

MANUFACTURERS RADIO FREQUENCY
ADVISORY COMMITTEE, INC.

William K. Keane

Arter & Hadden
Suite 400K
1801 K Street, N. W.
Washington, D. C. 20006-1301
(202) 775-7100

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Its Counsel