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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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

PR Docket No. 92-235

To: The Commission

**PETITION FOR PARTIAL RECONSIDERATION AND CLARIFICATION**

The Alarm Industry Communications Committee (AICC) of the Central Station Alarm Association, by its attorney and pursuant to Rule Section 1.429, hereby requests reconsideration and clarification of certain aspects of the Second Report and Order (SR&O) in PR Docket No. 92-235 regarding consolidation of the various radio services into two pools.

**I. Statement of Interest**

AICC is a committee of the Central Station Alarm Association (CSAA), and is charged with monitoring developments at the federal level affecting the ability of the alarm industry to utilize telecommunications technology in providing its valuable protection services to the public. CSAA represents the vast majority of entities providing central station alarm security protection. In addition, the National Burglar and Fire Alarm Association (NBFAA) is represented on AICC. Thus, the Committee can reliably speak for the vast majority of the alarm industry. The entities represented on AICC are dedicated to providing

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such services as the alarming of business and individual dwellings, to protect both commercial users and consumers against fire and burglary. More recently, the members have expanded their services to include medical alert protection.

**II. Central Station Alarm Operations Should be Included In An "Industrial Safety Pool," Or In A Revised Public Safety Pool, If One is Adopted.**

In the SR&O, the Commission has consolidated the various radio services in Part 90 of the FCC rules into two broad pools: a Public Safety Pool, encompassing the traditional public safety services and the Special Emergency Radio Service; and an Industrial/Business Pool, encompassing the remaining radio services. The frequencies in which AICC has an interest are those within the Business Radio Service that have been reserved for assignment to persons providing a central station commercial protection service. These frequencies will now fall in the Industrial/Business Pool.

AICC had urged the Commission to create a "quasi-public safety" pool, which would include those safety of life and property operations that do not fall within the radio services which the Commission has traditionally classified as Public Safety, but which support and complement Public Safety services such as government police, fire, and other agencies. This would be in line with the suggestion of the Public Safety Wireless Advisory Committee (PSWAC) that the Commission, among other things, reexamine the eligibility provisions for the Public Safety services and include within the Public Safety Services those non-governmental entities whose primary mission is to provide Public Safety services or Public Safety support services. See PSWAC Final Report, Vol. 1, Section 1.18. AICC believes that the burglar, fire and medical alarm services provided by the central station industry, which support the existing police, fire and emergency medical agencies, fall within this definition. The Commission has not yet addressed the issues raised in the PSWAC report. When it does so, AICC respectfully submits that central station alarm operations should be included in any revised Public Safety Pool or "quasi-safety public" pool adopted pursuant to that report. As shown below and in its comments in this proceeding, the alarm industry

uses radios to provide vital alarm services which are directly related to protection of life and property.

### **III. The Commission Should Designate CSAA as the Exclusive Coordinator for Central Station Alarm Frequencies**

The Commission's SR&O places the current central station alarm frequencies within the Industrial/Business Pool. However, the Commission wisely retained the existing eligibility restrictions on these frequencies. Thus, the central station industry continues to have designated frequencies that are reserved exclusively for assignment to persons providing a central station commercial protection service. Certain frequencies are reserved exclusively for central station use within urbanized areas of 200,000 or more population, and shared with Business Radio Service (now the Industrial/Business Pool) eligibles outside these areas.<sup>1</sup>

The continued applicability of these eligibility restrictions will go a long way in preventing disruption of vital central station radio operations. However, it is respectfully submitted that this protection will be ensured, and the public interest furthered, if AICC's parent organization, the Central Station Alarm Association (CSAA), is appointed to be the exclusive coordinator for the central station frequencies. The Commission has adopted a similar protection for railroad, petroleum and power operations, which AICC supports.

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<sup>1</sup> It appears clear from the SR&O that the eligibility restrictions on the central station industry will be enforced in the manner described above. In other words, only persons providing a central station commercial protection service will be eligible for licensing on the alarm industry's nationwide channels; and on the shared frequencies, only persons providing a central station commercial protection service will be eligible for licensing within urbanized areas of 200,000 or more population, while base, fixed or repeater stations of non-central station licensees must be located at least 75 miles from the city centers of urbanized areas of 200,000 or more population. With the elimination of the regulations on inter-service sharing, it appears that the Commission has preserved the eligibility provisions on the central station frequencies to the extent that no other entities would be eligible to use these frequencies in the areas described above, except by rule waiver. In the unlikely event that the Commission interprets its SR&O differently, AICC requests clarification and/or reconsideration. As demonstrated below, overriding public interest considerations require that central station operations have continued access to interference-free channels for both mobile operations and fixed signalling.

Extending this protection to the central station frequencies would be consistent with the Commission's approach to such "quasi-public safety" operations. In this regard, the Commission observes that exclusive coordinator status is needed for railroad operations because of the increased risk of derailment. SR&O at para. 41. AICC agrees that a train derailment can threaten the lives of dozens of even hundreds of persons, and can result in substantial property damage. The late reporting of an alarm which signals a fire in an apartment building or office complex can have the same devastating effect on hundreds of persons. Attachment A hereto includes statistics on structure fires compiled by the National Fire Protection Association (NFPA). As reflected therein, structure fires result in thousands of deaths, tens of thousands of injuries and billions of dollars of property damage every year. In 1995 alone, 3,985 persons died in structure fires, while 21,725 persons were injured. More than \$7.6 billion in property damage occurred. The statistics show that the number of deaths is dropping over the past nineteen years, presumably due to the construction of safer structures, and more wide spread and effective use of alarm monitoring coupled with improved emergency response. Therefore, alarm operations involve the same safety considerations as railroad operations, and it is vital that alarm frequencies be protected. Indeed, because most fire departments do not have ladders capable of reaching the top floors of high rise apartments or skyscraper office buildings, and because helicopter rescue can remove but a few people at a time, it is vital that fire alarms be immediately relayed over reliable, interference free frequencies.

Similarly, the Commission protects power radio operations because storms or other disasters can disrupt the provision of electric, gas and water supplies. Such disruptions certainly threaten the public welfare. However, the threat from a fire or burglary are immediate (i.e. requiring a response within minutes), whereas power and water outages do not normally threaten safety in such a short time frame. Therefore, the rationale for protecting power radio operations dictates even more strongly that central station alarm

operations should be protected. Similarly, the Commission has protected petroleum operations because of the threat to employee safety. *Id.* at para. 13. AICC agrees with this rationale, since petroleum drilling is a hazardous activity, even though only a portion of communications on these channels deal with worker safety incidents. Alarm signals over central station frequencies signify that a potential threat to life and/or property is taking place; and the mobile communications on the higher powered central station channels are often communications to and from private security forces sent to confront this threat. Therefore, "a majority of the communications. . . are used to protect life and property. . ." SR&O at para. 16. Central stations radios are "often used for critical public safety communications." *Id.* at para. 17.<sup>2</sup> And because there were approximately 18 million professionally installed monitored alarm systems in the United States as of 1996,<sup>3</sup> the number of emergency calls handled by the alarm industry is substantial.

Moreover, central station radio operations involve special considerations that make these frequencies less suitable for coordination by other entities. First, the use of CSAA as the exclusive coordinator would better enable the Commission to enforce the eligibility restrictions it has retained on the central station channels. Second, most alarm operations utilize fixed signaling, unlike the typical Private Land Mobile Radio (PLMR) operation. Third, CSAA has a unique knowledge of the requirements often placed on alarm operations by customers, governmental entities, and insurance companies. As described in AICC's

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<sup>2</sup>AICC notes the apparent misimpression of the Commission that security firms work "primarily during the night," and that their spectrum is therefore relatively unused during the daytime hours. SR&O at para. 18. Fires, medical emergencies and even burglaries occur twenty-four hours a day, and the consequence of a delayed response can be disastrous. Many residential break ins occur during the day, when the perpetrators expect that most persons will be at work. Unfortunately, this creates one of the most dangerous situations, since children may be home (sometimes alone) at the time of the break in. Statistics show that in 13 percent of break ins, burglars encounter someone in the home; and that almost one third of such confrontations end in assault or rape. See Derck Dingle, "Theft Proof Your Home," *Money Magazine*, August 1991.

May 28, 1993 Comments in this proceeding, central station alarm operations must meet high standards established by Underwriters Laboratories (UL). Insurance companies often will not insure businesses unless they meet very specific requirements for reliable alarm protection. *Id.* at page 3. Alarm protection is also provided to many Federal, State and local government facilities, which require reliable central station operation in accordance with their standards. *Id.* at page 4. The occurrence of terrorist acts in recent years has made this protection all the more vital.

Thus, central station radio operations are not "virtually identical" to other PLMR systems, and user needs are not similar. SR&O at para. 34. With regard to central stations operations, "maintaining the integrity of spectrum used for such public safety purposes is extremely important and using coordinators who are knowledgeable with such special communication needs is the best way to protect these systems." *Id.* at para. 41. Therefore, CSAA should be appointed as the exclusive coordinator for central stations frequencies.

**IV. The Commission Should Facilitate Streamlined Coordination Requirements for Coordinators Who Choose Not to Expand Their Role.**

AICC also requests the Commission to facilitate a streamlining of the notification burdens imposed on the frequency coordinators by the SR&O, including the requirement that each coordinator must notify every other coordinator in the pool on a daily basis, whether or not it has coordinated radio systems on any frequencies in the pool. The person acting as central station frequency coordinator has been serving on a voluntary basis, aside from running his own alarm company, and this notification process can become quite burdensome.

AICC expects that CSAA will continue to coordinate primarily on the limited number of frequencies reserved for central station operations. Because of its close ties within the central station industry, CSAA expects that even though central station industry entities may legitimately seek frequency coordination from any other coordinator within the Industrial/Business Pool, most will continue to request CSAA to coordinate central station

alarm operations on the reserved frequencies, even if the Commission does not appoint CSAA as the exclusive coordinator as requested above. Furthermore, AICC expects that most applicants for non-central station frequencies (or for the shared use of the central station frequencies where this is permitted) will seek frequency coordination from other frequency coordinators, and CSAA is not presently interested in expanding its coordination activities.

Based on its past experience coordinating these frequencies, and assuming the volume of frequency coordinations on these frequencies will not increase substantially, its volunteer coordinator has in the past, and expects to continue to perform frequency coordinations only one day a week. Accordingly, AICC suggests that the Commission consider a modification of the requirement for daily notification. AICC requests that it be permitted to arrange with the other frequency coordinators within its pool that it will coordinate radio systems only one day a week, and therefore it will not be necessary to send out notifications on other days. Similarly, CSAA would ask the other coordinators to provide it with notifications only on the frequencies which are specifically reserved for central station commercial protection applicants, or on adjacent channels. This would ease not only the burden on CSAA's volunteer coordinator, but on all of the other frequency coordinators as well.

The Commission notes AICC's request for clarification of coordinator responsibilities in its recent petition for reconsideration of another phase of this proceeding. SR&O at para. 31. Since these issues are not addressed by the SR&O, AICC renews its request that the matters raised in its earlier petition be addressed by the Commission, either on reconsideration of the SR&O, or in a later order.

V. **The Commission Should Mandate Low Power Status For the Current Central Station Offsets.**

The Commission indicates in the SR&O that it is resolving the issue of how to "provide protection for current low power operations in the 450-470 MHz band." *Id.* at

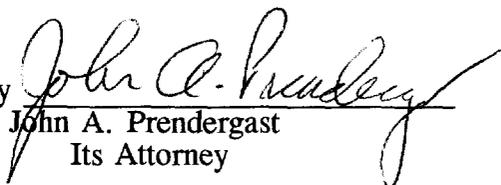
para. 2. The Commission's resolution of this issue is to provide that the frequency coordinators should attempt to reach a consensus on the designation and protection on low power channels within six months. *Id.* at para. 64. AICC supports this approach, but requests that it be modified to require that, whichever channels are ultimately designated by the frequency coordinators as low power frequencies, the current central station offset channels must be included in the low power allocation. As described above, these low power, narrowband frequencies are used in a very efficient manner to provide vital safety-related communications. The public interest and the mandate of Section 1 of the Communications Act of 1934, as amended, dictate that the Commission ensure the continued ability of the alarm industry to use these channels for low power alarm signaling purposes.

**VI. Conclusion**

In light of the foregoing, it is requested that the Commission modify the rules adopted in its SR&O in the manner described above.

Respectfully submitted,

**Alarm Industry Communications  
Committee**

By   
John A. Prendergast  
Its Attorney

Blooston, Mordkofsky, Jackson  
& Dickens  
2120 L Street, N.W. Suite 300  
Washington, D. C. 20037  
(202) 658-0830

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## THE U.S. STRUCTURE FIRE PROBLEM

Year	Fires	Civilian Deaths	Civilian Injuries	Direct Property Damage <sup>1</sup>
1977	1,098,000	6,505	26,310	\$4,125,000,000
1978	1,062,000	6,350	24,985	\$4,022,000,000
1979	1,036,500	5,970	24,850	\$4,964,000,000
1980	1,065,000	5,675	24,725	\$5,454,000,000
1981	1,027,500	5,760	25,700	\$5,976,000,000
1982	946,500	5,200	25,575	\$5,731,000,000
1983	868,500	5,090	26,150	\$5,826,000,000
1984	848,000	4,525	23,025	\$5,891,000,000
1985	859,500	5,265	23,350	\$6,437,000,000
1986	800,000	4,985	22,750	\$5,837,000,000
1987	758,000	4,880	23,815	\$6,226,000,000
1988	745,000	5,280	26,275	\$7,188,000,000
1989	688,000	4,655	24,025	\$7,518,000,000
1990	624,000	4,400	24,075	\$6,713,000,000
1991	640,500	3,765	24,975	\$8,320,000,000
1992	637,500	3,940	24,325	\$6,957,000,000
1993	621,500	3,980	26,550	\$7,406,000,000
1994	614,000	3,590	23,125	\$6,867,000,000
1995	573,500	3,985 <sup>2</sup>	21,725	\$7,620,000,000

<sup>1</sup>Individual incidents with large loss can affect the total for a given year.

<sup>2</sup>Includes 168 deaths that occurred at the federal office building fire in Oklahoma City, OK. The 1988 figure includes a Norco, Louisiana petroleum refinery with a loss of \$330 million. The 1989 figure includes a Pasadena, Texas polyolefin plant with a loss of \$750 million. The 1991 figure includes the Oakland fire storm with a loss of \$1.5 billion and the Meridien Plaza high-rise fire in Philadelphia with a loss of \$325 million. The 1992 figure includes the Los Angeles Civil Disturbance with a loss of \$567 million. The 1993 figure includes Southern California wildfires with a loss of \$809 million.

All figures are estimates of losses in fires reported to fire departments, based on data reported to NFPA's annual National Fire Experience Survey. Direct property damage figures do not include indirect losses, like business interruption, and have not been adjusted for inflation.