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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Reallocation of Television Channels ) ET Docket No. 97-157  
60-69, the 746-806 MHz Band )  
)

To: The Commission

COMMENTS OF UTC

Pursuant to Section 1.415 of the Federal Communications Commission's (Commission) Rules, UTC, The Telecommunications Association (UTC), hereby submits its comments in response to the Commission's *Notice of Proposed Rule Making (NPRM)* in the above-referenced docket to allocate the 746-806 MHz band for public safety and fixed and mobile services. UTC generally supports the Commission proposed reallocation plan but opposes any allocation of spectrum in this band for additional broadcast use.

I. Introduction

UTC is the national representative on communications matters for the nation's electric, gas, water and steam utilities, and natural gas pipelines; UTC also represents other organizations that use communications to support essential public service obligations. UTC's members range in size from large combination electric-gas-water utilities that serve millions of customers, to

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smaller, rural electric cooperatives and water districts that serve only a few thousand customers each. Serving on UTC's Board of Directors are representatives from the following associations:

- American Gas Association
- American Public Power Association
- American Water Works Association
- Association of Edison Illuminating Companies
- Edison Electric Institute
- Interstate Natural Gas Association of America
- National Rural Electric Cooperative Association

All utilities and pipelines depend upon reliable and secure communications to assist them in carrying out their obligations to provide service to the public. UTC is pleased to have the opportunity to submit its comments in this proceeding.

## **II. UTC Supports the Proposed Allocation for Public Safety and Other Non-Broadcast Applications**

In the *NPRM*, the FCC proposes to reallocate the 746-806 MHz band from television channels 60-69 to public safety, fixed, mobile and broadcast applications. The spectrum will be divided into two allocations:

- \* 24 MHz in the 764-776 MHz and 794-806 MHz bands will be set aside for use by “public safety” entities;
- \* 36 MHz in the 746-764 MHz and 776-794 MHz bands will be available for fixed, mobile and broadcasting services.<sup>1</sup>

UTC supports the Commission efforts in this proceeding and the related digital television (DTV) proceeding (MM Docket No. 87-268) to encourage spectrum efficiency by reducing the total amount of spectrum available to broadcasters. There is a significant need for additional

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<sup>1</sup> *NPRM* at para. 16.

spectrum to meet public safety and other private communications needs. As UTC noted in its comments on the *Sixth Further Notice of Proposed Rulemaking* in the DTV Proceeding:

The enormous amount of spectrum currently allocated to over-the-air broadcasting, over 400 MHz,<sup>2</sup> vastly exceeds the total amount of spectrum available for mobile radio communications by utilities and pipelines. For example, below 3 GHz, only about 119 MHz of spectrum is available for use by private radio licensees, and only a small portion of this spectrum is used by utilities and pipelines.<sup>3</sup> Given the need to recover underutilized radio spectrum in the face of growing demand, and the fact that even after the proposed transition to DTV individual broadcast licensees would retain generous 6 MHz licenses, the FCC must rechannelize the broadcast spectrum to maximize spectrum efficiency.

The Commission correctly notes in the *NPRM* that an additional allocation of spectrum for public safety entities will allow better communications interoperability between different jurisdictions and different agencies. The Commission cites as examples of the need for this interoperability forest fires, traffic accidents and natural disasters, all of which require different agencies to communicate. UTC agrees and notes that additional spectrum is also needed for interoperability between traditional public safety or emergency response entities and other “public service” entities.

As the *Final Report* of the Public Safety Wireless Advisory Committee (PSWAC) noted, there is a close relationship between public safety/emergency response and public service organizations. In fact, PSWAC defined “public safety services” and “public services” similarly, noting that both protect essential resources and promote public welfare:

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<sup>2</sup> *Sixth FNPRM*, para. 16.

<sup>3</sup> According to the 1992 Annual Report of the Federal Communications Commission, the Power and Petroleum Radio Services together accounted for only about 6% of the private radio service stations in the bands below 512

**Public Safety:** The public's right, exercised through Federal, State or Local government as prescribed by law, to protect and preserve life, property, and natural resources and to serve the public welfare.

**Public Services:** Those services provided by non-Public Safety entities that furnish, maintain, and protect the nation's basic infrastructures which are required to promote the public's safety and welfare.<sup>4</sup>

PSWAC acknowledged the need for interoperability between these closely aligned services.

"Coordination of these groups is critical as they may involve police, fire, ambulance, hospitals, utilities, and federal/state/local government responsibilities."<sup>5</sup>

Especially in large disaster situations, the effective coordination of multiple agencies (fire, police, local government, utilities) and jurisdictions is largely dependent on interoperable communications systems. Thousands of individuals may be involved.<sup>6</sup>

PSWAC goes on to state:

Entities such as transportation companies and public utilities operate communications networks that interface with local, state, Department of Defense and federal public safety entities on a daily basis. One primary purpose of these networks is to minimize risk to the public. These networks also aid other public safety providers in performing their missions when a catastrophe does occur.<sup>7</sup>

To promote interoperability between public safety and public service entities, PSWAC recommended that a new interoperability band be established and "the FCC and NTIA freely license frequencies in this band to all eligible public safety/public service entities..."<sup>8</sup>

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MHz. Given the fact that the bands primarily used by the private radio services represent only about 13% of the total spectrum below 512 MHz, utility and pipeline use can be estimated at less than 1% of the spectrum below 512 MHz, (i.e., 6% of 13% = 0.78%).

<sup>4</sup> *Final Report of the Public Safety Wireless Advisory Committee (PSWAC Final Report)* at p. 44; Appendix C, Section 3.1.

<sup>5</sup> *PSWAC Final Report* at p. 30.

<sup>6</sup> *PSWAC Final Report*, p. 31.

<sup>7</sup> *PSWAC Final Report*, Appendix A - Operational Requirements Subcommittee Final Report, p. 60.

<sup>8</sup> *PSWAC Final Report*, p. 51

Senator McCain, Chairman of the Senate Commerce Committee, and Senator Bryan also recently emphasized the need for interoperability between public safety and public service entities during deliberations on the Balance Budget Act of 1997.

Sen. Bryan: I rise in support of the proposal to ensure that sufficient radio spectrum is made available for public safety and maintenance of the Nation's critical infrastructure, such as pipeline, railroad, and electric, gas and water utility services... I hope the FCC will promote the development of shared public safety/public service radio systems...

Sen. McCain: I would also like to offer my support for the allocation of new spectrum for use by public safety and public services organizations and would urge the FCC to adopt rules that would facilitate, if not promote, the development of shared radio systems by such entities.<sup>9</sup>

Finally, Congress recognized the importance of private wireless services and specifically tasked the Commission and the NTIA to consider allocations of spectrum for private wireless use. "[T]he conferees expect the Commission and the NTIA to consider the need to allocate additional spectrum for shared or exclusive use by private wireless services in a timely manner."<sup>10</sup>

UTC's supports the allocation of additional spectrum for public safety and urges the Commission to take into account the need for interoperability between traditional public safety and public service entities in this and future proceedings.

### **III. UTC Opposes The Commission's Proposal to Provide Flexibility to License Additional Broadcast Licenses in the 746-806 MHz Band**

While UTC generally supports the proposed allocation of spectrum, UTC strongly opposes any proposal to retain spectrum for broadcast use that is not needed for the transition to

DTV. Given the urgent need for spectrum for other services and the generous 6 MHz licenses provided to new DTV operations, the use of this spectrum for future broadcast licenses cannot be justified. New communications media, including cable television and direct satellite television, increasingly are supplementing broadcast television stations as the nation's source of news, information and entertainment. As a result, the need for additional over-the-air broadcast stations is diminishing.

The allocation of additional broadcast operations in the 746-806 MHz band would also frustrate the use of this band for public safety, and fixed and wireless services. New broadcast operations would preclude the deployment of public safety and other systems in large segments of this band that would, in turn, reduce the overall value of this spectrum. Therefore, UTC urges the Commission to permit additional broadcast operations only in the "core" spectrum identified for digital television operations.

### **Conclusion**

UTC supports the Commission's proposal to allocate portions of the 746-806 MHz band for public safety and fixed and mobile communications systems. However, UTC opposes the licensing of additional broadcast stations within this band.

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<sup>9</sup> *Congressional Record* at p. S6325 (June 25, 1997).

<sup>10</sup> H. Rpt. 105-49, *Congressional Record* at p. H6174 (June 29, 1997).

**WHEREFORE, THE PREMISES CONSIDERED,** UTC requests the Federal Communications Commission to take action in accordance with the views expressed in these comments.

Respectfully submitted,

**UTC**

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