

that offer emergency road services, such as the American Automobile Association (AAA). The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services.”¹⁹

Although the 1997 Budget Act does not require the Commission to take any particular action with regard to refarming, two Senators responsible for that legislation have suggested that the Commission should give deference to Congress’ recognition that AAA plays a vital safety role. Specifically, Senators Conrad Burns and Byron Dorgan stated in a recent letter to Chairman Kennard that “the Commission ought to provide the same recognition of [emergency road services] in how it classifies PLMRS in the industrial/business pool” as Congress did in the 1997 Budget Act. The letter from Senators Burns and Dorgan supports the notion that AAA should be provided with treatment comparable to frequency coordinators for the Railroad, Power and Petroleum services, which also were identified by Congress as public safety radio services.

CONCLUSION

Emergency road service providers play an unsung role in assisting motorists and public safety agencies with emergencies on the nation’s roads. More than 40 million people today look to AAA to provide that safety net should they break down. AAA’s services benefit the general public as well as AAA members. AAA assists public safety agencies in times of emergencies by lending support with its radio communications

¹⁹H.R. Report 105-217 at 572. The Conference Report also identifies other public safety radio services, including the Railroad, Petroleum and Power services

network and fleet vehicles. Public safety agencies also look to AAA to relieve some of their burden by providing an easy solution to acquiring a tow truck for an accident scene or abandoned vehicle.

None of this would be possible without the two-way radio communications infrastructure that AAA and other emergency road service entities have developed. AAA responds to almost 30 million road service requests annually. The Automobile Emergency Radio Service frequencies make efficient response times possible. Approximately 30 percent of these calls involve emergency situations where there is some risk of harm to the AAA member or public. Rapid response to these incidents requires uninterrupted communications between AAA dispatch, AAA vehicles and public safety officials.

The consolidation of the auto club and road service frequencies into the Industrial/Business Pool poses a grave threat to AAA's continued ability to provide the level of service expected by its members, the public and by public safety agencies. Under the rules established by the Commission, the ability of entities that do not understand the needs of emergency road service providers to make frequency assignments in the AERS frequencies will result in increased interference, and increased delay in the ability of road service providers to respond to emergency situations. Congress has recognized in recent legislation that road service as a valuable safety service to the public, and the Commission should do the same by providing the AERS frequencies with an appropriate level of protection from harmful interference.

ATTACHMENT 1

Table of AERS Frequencies

Frequencies for the use of private emergency road service for disabled vehicles by associations of owners of private automobiles (auto clubs):

150.905, 150.920, 150.935, 150.9425, 150.950, 150.9575, 150.965, 150.9725,
452.5125, 452.525, 452.53125, 452.53750, 452.54375, 452.550, 452.55625,
452.56250, 452.56875, 452.575, 452.58125, 452.58750, 452.59375, 452.600,
452.60625, 452.61250, 452.61875 MHz

Frequencies for the use of businesses providing to the general public an emergency road service for disabled vehicles (independent towing, recovery and locksmiths):

150.815, 150.830, 150.845, 150.8525, 150.860, 150.8675, 150.875,
150.8825, 150.890, 150.8975, 157.470, 157.4775, 157.485, 157.4925,
157.500, 157.5075, 157.515, 157.5225 MHz

AMERICAN AUTOMOBILE ASSOCIATION

Petition for Reconsideration
of Second Report and Order in
PR Docket No. 92-235
("Private Radio Refarming" Docket)

May 11, 1998

OVERVIEW

- **As a not-for-profit emergency service provider, AAA needs additional protection for its private land mobile frequencies.**
- **The FCC should treat auto emergency frequencies in the same manner as the Railroad, Power and Petroleum frequencies (“quasi-public safety” status).**
- **Congress has recognized auto emergency services’ status as “public safety radio services” in the 1997 Balanced Budget Act.**
- **Granting the relief sought by AAA would remedy potential and real interference problems and promote other public interest benefits, without harming other public land mobile radio service providers.**

INTRODUCTION TO AAA

- AAA is a *not-for-profit* federation of 90 auto clubs with over 40 million members. Its primary mission is to promote highway and vehicle safety.
- As a *not-for-profit emergency road service provider*, AAA responds to over *29 million calls per year* -- 80,000 per day.
- AAA has a long history of providing emergency services in situations involving a threat to life or property. Currently, approximately *30 percent of AAA's service calls* -- 8 million per year -- involve an *immediate threat to life or property*.
- AAA coordinates closely with local and state public safety officials, particularly during mass emergency situations (such as earthquakes, hurricanes and blizzards), and during traffic emergencies and peak traffic periods.

The general public benefits from these services, not just AAA members.

Many local safety officials have expressed support for AAA's position in this proceeding.

- **AAA depends on uninterrupted access to radio frequencies to dispatch emergency assistance.**

BACKGROUND ON THE “REFARMING” DOCKET

- Prior to the *Refarming Order*, there were 20 different private land mobile services, each with its own frequency coordinator and its own eligibility requirements: AAA was the coordinator for the Auto Emergency frequencies.
- The *Refarming Order* consolidated the private land mobile services into two broad pools: Public Safety and Industrial/Business.
- Now, each of the coordinators in the Industrial/Business Pool is permitted to assign any frequency in the pool, and there is no ability to block an assignment made by another coordinator.
- The Commission allowed three “quasi-public safety” services (Railroads, Power and Petroleum) within the Industrial/Business Pool to retain control over coordination of their frequencies.
- The Commission placed AAA in the Industrial/Business Pool, but did not provide AAA with the same protections as the three “quasi-public safety” entities.
- **The “Refarming Order” eliminated AAA’s ability to control assignment of Auto Emergency frequencies.**

PROBLEMS WITH THE CURRENT APPROACH

- Assignment of licenses in the Auto Emergency frequencies by coordinators other than AAA increases the likelihood of harmful interference on those frequencies, which in turn will lead to delays in AAA's ability to respond in emergency situations.
- Some AAA Clubs have already experienced specific interference and coordination problems.
- AAA expects a sharp increase in coordination and interference problems by the end of 1998.

RELIEF SOUGHT

- **Auto Emergency frequencies require additional protection within the Industrial/Business Pool.**
- As a not-for-profit emergency services provider, AAA is seeking the same degree of control over coordination as other non-governmental entities that serve significant safety needs (*i.e.*, Railroads, Petroleum and Power).
- AAA no longer is seeking placement of the Auto Emergency frequencies in the Public Safety Pool as it had previously suggested in its Petition for Reconsideration.
- AAA is seeking here only to protect incumbents from interference, not to obtain special treatment in procuring new spectrum.

RATIONALE

- **Auto Emergency services should be treated the same as the quasi-public safety services identified in the Refarming Order.**
- AAA has all the characteristics that the Commission relied on to justify special treatment for Railroads, Power and Petroleum.
 - AAA “responds to emergencies that could impact hundreds or even thousands of people.”
 - Any failure in AAA’s “ability to communicate by radio could have severe consequences on public welfare.”
 - In emergencies, AAA’s operations “can take on an almost quasi-public safety function.”
- In addition, while these other entities primarily use spectrum to support for-profit business operations, AAA is a not-for-profit entity whose primary mission is providing emergency road services.

RATIONALE (Continued)

- **The 1997 Balanced Budget Act supports similar treatment of Auto Emergency services and Railroad, Power and Petroleum services.**
- Congress recognized the valuable public service provided by AAA and classified auto emergency services as “public safety radio services” for purposes of the exemption from auctions contained in the 1997 Budget Act.
- Auto emergency is the only “public safety radio service” identified by Congress that is in the Industrial/Business Pool with no control over coordination of frequencies.
- Failure to grant AAA the same control over coordination as Railroads, Petroleum and Power would result in unequal treatment for entities identified by Congress as being similarly situated.

PUBLIC INTEREST BENEFITS

- Granting AAA greater control over the assignment of Auto Emergency frequencies will benefit the public generally.
- Auto emergencies can affect large numbers of commuters and others working near roads and highways, not just AAA members.
- As noted earlier, AAA responds to 80,000 emergency calls per day, many in coordination with state and local public safety officials. Approximately 30% of these calls involve immediate threat to life or property.
- State and local public safety officials can provide service more efficiently with continued effective support from AAA.
- Some Auto Emergency frequencies are used by independent tow truck operators that are not affiliated with AAA, that also provide emergency assistance.

CONCLUSION

In sum, granting the relief sought by AAA would:

- **Resolve potential and real interference and coordination problems caused by the current approach;**
- **Provide numerous public interest benefits, including the continued provision of efficient and effective emergency road services by a not-for-profit entity.**

Moreover, granting the proposed relief will not cause any harm to other public land mobile radio services.

