



TOSCO

FCC MAIL ROOM

AUG 21 1998
RECEIVED

DOCKET FILE COPY ORIGINAL

Tosco Corporation
72 Cummings Point Road
Stamford Connecticut 06902
Telephone: 203-877-1018
Facsimile: 203-326-3144

Ann Farmer Miller
Vice President
Government Relations

August 19, 1998

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

**RE: *An Allocation of Spectrum for the
Private Mobile Radio Services, RM-9267***

Dear Ms. Salas:

On behalf of Tosco Corporation (Tosco), I am writing in support of the above-referenced Petition for Rule Making filed by the Land Mobile Communications Council (LMCC) seeking new spectrum allocation for private wireless users. Tosco is the largest independent oil refining company in the United States. We operate three refineries on the West Coast and two on the East Coast, with a combined capacity of close to one million barrels per day (or about six percent of total U.S. capacity). Our West Coast refineries are located in Los Angeles, the San Francisco Bay Area and Ferndale, Washington, north of Seattle; our East Coast refineries are located in the New York Harbor Area and in Trainer, Pennsylvania, close to Philadelphia.

Reliable wireless communication among refinery personnel plays a vital role in protecting the safety of our employees and equipment. Because our refineries are located near large metropolitan areas, the safe operation of our refineries also protects people and property in the surrounding communities.

No. of Copies rec'd
List A G O D E

0

Ms. Magalie Roman Salas
Federal Communications Commission
August 19, 1998
Page 2

As refining operations have become more complex, communications between refinery personnel have increased in importance. However, primary frequencies in the VHF and UHF bands have not been available to us for many years because of the heavy demands from other companies in our operational areas. The only practical alternative for meeting our wireless requirements has been to obtain offset frequencies on a secondary status.

The utility of offset licenses is limited, however. Because they are secondary licenses, offset licenses are subject to interference from other users. In fact, an offset frequency user must cease communications if the offset user interferes with the primary users. At our refinery in the New York Harbor area, we have been forced to shut down barge loading operations at times because of co-channel interference with our wireless communication.

In our West Coast operations, numerous earthquakes have shown that reliance on public services, such as cellular systems, is not a viable alternative to private communication systems. Widespread emergencies immediately saturate public cellular services and render them useless.

Even with approval of the LMCC petition, our frequency needs will not be adequately met. We have tried to obtain frequency coordination on the proposed new primary low power frequencies covered by the petition. For our Los Angeles refinery, we were able to obtain coordination on only 50 percent of the frequencies requested.

The only answer is additional spectrum and better utilization of spectrum already allocated to private services. Over the many years our refineries have been in operation, businesses and residential communities have grown up around our facilities with their own needs for wireless communications. Refarming will help, but there will still be a need for new spectrum to cover the increasing wireless requirements of an ever expanding population.

In order to assure the safety of our refineries, our employees, and the public, we need the tool of reliable wireless communication. Therefore, we respectfully request favorable and prompt action on the petition filed by LMCC.

Ms. Magalie Roman Salas
Federal Communications Commission
August 19, 1998
Page 3

If you have questions or would like additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Gustav Miller". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

cc: Mr. Dale N. Hatfield, Chief
Office of Engineering & Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554