

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

DA 14-1508, Public Notice Seeking Comment on)
Need for Flexibility with Respect to Technical Rules in)
Part 22 Pertaining to the Paging and Radiotelephone)
Services, Subparts C & E)

WT Docket No. 14-180

To: Chief, Wireless Telecommunications Bureau

COMMENTS OF MOBILE RELAY ASSOCIATES

Mobile Relay Associates (“MRA”), by its attorney and pursuant to the Public Notice, *Wireless Telecommunications Bureau Reminds Paging and Radiotelephone Service Licensees of Certain Technical Rules and Seeks Comment on the Need for Technical Flexibility*, DA 14-1508, released October 17, 2014 (“*Request Notice*”), hereby submits its Comments in this proceeding.

Background of MRA and Its Interest in This Proceeding

MRA is one of the longest-established and largest privately-held fleet/dispatch operators in the United States, serving tens of thousands of mobile/portable fleet units across the country. MRA was founded in 1979, and its principals collectively have over one hundred years of experience in the land mobile industry. MRA is one of only a few fleet/dispatch operators to have in-house engineering expertise and resources; among other things, MRA is one of the few such operators to have its own in-house capability for preparing TSB-88 interference analyses and for engineering design. Indeed, MRA provides engineering design, consulting and system management services to other fleet/dispatch operators in multiple markets.

MRA has been an active participant in FCC spectrum auctions over the years, particularly in auctions of Part 22 Paging and Radiotelephone spectrum, where MRA has acquired multiple licenses as a high bidder and paid substantial sums to the Commission for that spectrum. MRA

holds twenty-two UHF-band Part 22 geographic-area (class CP) spectrum licenses which MRA acquired at auction, as well as one site-based UHF Part 22 license.¹ These licenses are an integral part of MRA's spectrum portfolio and its day-to-day operations, used by a variety of MRA customers, including local governments, school bus fleets, local delivery fleets, ambulance companies and others to deliver important public and private services. Combined, these MRA customers have thousands of units operating on MRA's Part 22 UHF spectrum. Therefore, MRA has a significant interest in promoting the efficient use of this spectrum, and would be greatly affected by the outcome of this proceeding.

I. There Must Be a Level Playing Field between Part 90 and Part 22 Operators

The *Request Notice* acknowledges, p.2, that there is a difference between the flexibility afforded to fleet/dispatch operators using Part 90 spectrum and those using Part 22 spectrum. There is no rational policy reason to restrict Part 22 licensees more than Part 90 licensees. Where, as is almost always the case, both licensees are attempting to serve the exact same universe of customers and provide the exact same suite of services to those customers, both should be allowed to compete using the same tools, subject only to considerations of interference protection to other licensees.

Here, there are no interference considerations that would preclude extending operational flexibility to Part 22 licensees, because by definition, in Part 22 a licensee has the *exclusive* use of its licensed spectrum within its licensed geographic area.² A Part 22 licensee should be

¹ MRA operates all of its facilities, whether Part 22 or Part 90, as Private Mobile Radio Service ("PMRS"). None of MRA's facilities is interconnected to the public switched telephone network.

² The *Request Notice*, p.2, reminds geographic-area licensees that they must protect pre-auction site-based co-channel incumbents. There are few remaining co-channel site-based incumbents in the EAs where MRA holds geographic-area-based auction licenses, and none in Los Angeles, Orange, and San Diego Counties, which are core areas for MRA. But even where

allowed to do as it wishes within its authorized emission masks inside its licensed geographic area, so as to maximize the spectral efficiency of its operations and maximize the number of mobile/portable units it can support with quality service, the same as any exclusive (FB8 station class) Part 90 licensee.

II. Huge Efficiencies Are Achievable in Part 22 Using Existing Equipment

Most equipment manufacturers offer essentially fungible equipment to serve the 450-512 MHz band. That equipment can operate anywhere within that frequency band, whether a particular channel happens to be licensed under Part 22 or Part 90. Because of the Commission's move to improve spectral efficiency under Part 90, all of this equipment is made to operate narrowband. Moreover, much of the currently-available equipment, especially the newer, digital equipment, is designed to operate using very narrowband channels, often with emission designators as narrow as 4 kHz.

Given that Part 22 channels in the 454 MHz band are licensed 25 kHz in each direction (base-to-mobile and mobile-to-base), this means that if new narrowband digital equipment can be deployed, a licensee can have significant capacity increase. Part 22 licensees, such as MRA, that have purchased multiple adjacent Part 22 channels, can achieve even greater efficiency, because they would only need to protect at the edges of their contiguous spectrum.

To repeat, this is not some future efficiency increase that would have to await the development of any new generation of infrastructure equipment – it is achievable today, instantly, as soon as the Commission rationalizes its regulation of Part 22 with that of Part 90.

such site-based incumbents exist, their existence simply limits MRA in the protected area of the site-based incumbent; it does not affect exclusivity within MRA's remaining geographic area.

III. Auction Licensees Already Have This Flexibility

In the *Request Notice*, page 1, it says: “*Unless otherwise indicated*, all channels have a bandwidth of 20 kHz and are designated by their center frequencies in megahertz.” (Emphasis added; footnote omitted.) There is another “indication” in the case of licenses issued by the Commission to those who hold auction spectrum. Specifically, the Commission advertised and defined the auction spectrum not by any centerpoint, but, rather, by the edges of the spectrum to be auctioned.³ Consistent with that advertising and notice, the actual licenses issued by the Commission to the auction winners define the spectrum by its upper and lower edges, not by its centerpoint.⁴ Indeed, auction licensees are expressly allowed to disaggregate their auction spectrum. *See* Section 22.513 of the Rules. Patently, if auction licensees were obligated to operate only with a 20 kHz emission designator, they would not have been allowed to disaggregate their spectrum.

In sum, in the case of such auction licenses, the authorization is defined in terms of the spectrum’s upper and lower edges, and the holder may disaggregate spectrum and retain only a portion of the authorized 25 kHz block. Thus, the holder is not constrained under current rules to operate using a 20 kHz channel width, as opposed to narrower channel widths. The Bureau should clarify any potential ambiguity by stating that such auction licenses already contain the requisite flexibility.

³ *See, e.g.*, the Commission’s publicly-issued band plan for Auction No. 40 (copy attached for convenience as Attachment 1 hereto), identifying the spectrum in the 454/459 MHz band to be auctioned in terms of its upper and lower edges, not its centerpoint. *See also* Public Notice, DA 01-850, *Lower and Upper Paging Bands Auction Scheduled for June 26, 2001*, 16 FCC Rcd 7657 (2001).

⁴ *See, e.g.*, MRA’s license under call sign WPVE962 (copy attached hereto for convenience as Attachment 2), identifying its spectrum by reference to its “code” as set forth in Attachment 1 to these Comments.

IV. The Bureau Should Immediately Issue a Blanket Waiver

If, notwithstanding the specific wording in Commission documents pertaining to auction licenses, both pre-auction and post-auction, the Bureau believes that even auction licensees are precluded from operating in a spectrally-efficient manner at this time, then the Bureau should immediately issue a blanket waiver to such licensees, and to any site-based licensees, to enable the deployment of such spectrally-efficient techniques. There are huge efficiencies involved and an absolute absence of harm to any adjacent-channel licensees.

This waiver should come into effect now, pending completion of a rulemaking proceeding to make such flexibility permanent. The waiver would be along the following lines (MRA is not wedded to particular wording, just to the underlying concept):

A Part 22 Paging and Radiotelephone Licensee authorized for two-way operations on any frequency pair listed in Section 22.561 of the Rules may configure its operations within its protected exclusive geographic service area as it sees fit to maximize spectral efficiency, including without limitation the use of TETRA equipment or narrowband equipment, so long as those operations do not exceed the emission mask of the Licensee's contiguous spectrum as calculated in accordance with Section 22.359 of the Rules, and otherwise provide at least the same protection to adjacent-channel licensees in its geographic area as would exist from the operation of a standard wideband channelization. For purposes of this waiver, a geographic-area-based Licensee is not exclusive in any area where there is a protected co-channel incumbent site-based licensee that the geographic-area Licensee is obligated to protect.

CONCLUSION

There is an insufficient amount of spectrum available for fleet/dispatch operations in most major metropolitan areas, and the public interest is best served by enabling licensees to deploy more spectrally-efficient technologies in their exclusive Part 22 spectrum where, based on real-world experience on adjoining Part 90 frequencies, we already know with certainty that such deployment would not cause harmful interference to any protected interest. Indeed, by the

wording of the Commission's own auction releases, Part 22 auction licensees should be determined to already have such flexibility to deploy spectrally-efficient technologies.

The Bureau should eliminate any ambiguity pertaining to auction licenses, and should issue a blanket waiver to allow such flexibility, pending the initiation and completion of a rulemaking proceeding which would make such flexibility permanent.

Respectfully submitted,
MOBILE RELAY ASSOCIATES

December 17, 2014

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ATTACHMENT 1

AUCTION NO. 40 BAND PLAN

Paging (Lower) Bandplan

35 MHz



43 MHz



152 & 158 MHz (unpaired)



Paging 35 MHz

Channel (License Suffix)	Frequency Band
CA	35.19 - 35.21
CB	35.21 - 35.23
CC	35.23 - 35.25
CD	35.25 - 35.27
CE	35.29 - 35.31
CF	35.33 - 35.35
CG	35.37 - 35.39
CH	35.41 - 35.43
CI	35.45 - 35.47
CJ	35.49 - 35.51
CK	35.53 - 35.55
CL	35.55 - 35.57
CM	35.57 - 35.59
CN	35.59 - 35.61
CO	35.61 - 35.63
CP	35.65 - 35.67

Paging 43 MHz

Channel (License Suffix)	Frequency Band
DA	43.19 - 43.21
DB	43.21 - 43.23
DC	43.23 - 43.25
DD	43.25 - 43.27
DE	43.29 - 43.31
DF	43.33 - 43.35
DG	43.37 - 43.39
DH	43.41 - 43.43
DI	43.45 - 43.47
DJ	43.49 - 43.51
DK	43.53 - 43.55
DL	43.55 - 43.57
DM	43.57 - 43.59
DN	43.59 - 43.61
DO	43.61 - 43.63
DP	43.65 - 43.67

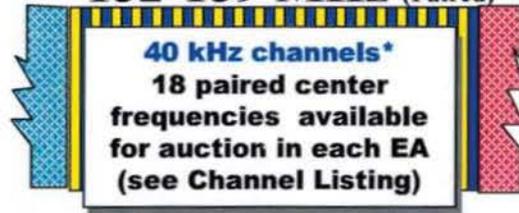
Paging 152 & 158 MHz Unpaired

Channel (License Suffix)	Frequency Band
EA	152.230 - 152.250
EB	152.830 - 152.850
EC	158.090 - 158.110
ED	158.690 - 158.710

Note: Refer to next page for 152-159 MHz (Paired)

Paging (Lower) Bandplan (cont.)

152-159 MHz (Paired)



454 MHz (Paired)



Paging 152-159 MHz Paired

Channel (License Suffix)	Frequency Band
FA	152.015-152.045 / 158.475-158.505
FB	152.045-152.075 / 158.505-158.535
FC	152.075-152.105 / 158.535-158.565
FD	152.105-152.135 / 158.565-158.595
FE	152.135-152.165 / 158.595-158.625
FF	152.165-152.195 / 158.625-158.655
FG	152.195-152.225 / 158.655-158.685
FH	152.495-152.525 / 157.755-157.785
FI	152.525-152.555 / 157.785-157.815
FJ	152.555-152.585 / 157.815-157.845
FK	152.585-152.615 / 157.845-157.875
FL	152.615-152.645 / 157.875-157.905
FM	152.645-152.675 / 157.905-157.935
FN	152.675-152.705 / 157.935-157.965
FO	152.705-152.735 / 157.965-157.995
FP	152.735-152.765 / 157.995-158.025
FQ	152.765-152.795 / 158.025-158.055
FR	152.795-152.825 / 158.055-158.085

Note: Refer to previous page for 152-158 MHz (Unpaired)

* These are paired channels of 20kHz each

Paging 454 MHz Paired

Channel (License Suffix)	Frequency Band
GA	454.0125-454.0375 / 459.0125-459.0375
GB	454.0375-454.0625 / 459.0375-459.0625
GC	454.0625-454.0875 / 459.0625-459.0875
GD	454.0875-454.1125 / 459.0875-459.1125
GE	454.1125-454.1375 / 459.1125-459.1375
GF	454.1375-454.1625 / 459.1375-459.1625
GG	454.1625-454.1875 / 459.1625-459.1875
GH	454.1875-454.2125 / 459.1875-459.2125
GI	454.2125-454.2375 / 459.2125-459.2375
GJ	454.2375-454.2625 / 459.2375-459.2625
GK	454.2625-454.2875 / 459.2625-459.2875
GL	454.2875-454.3125 / 459.2875-459.3125
GM	454.3125-454.3375 / 459.3125-459.3375
GN	454.3375-454.3625 / 459.3375-459.3625
GO	454.3625-454.3875 / 459.3625-459.3875
GP	454.3875-454.4125 / 459.3875-459.4125
GQ	454.4125-454.4375 / 459.4125-459.4375
GR	454.4375-454.4625 / 459.4375-459.4625
GS	454.4625-454.4875 / 459.4625-459.4875
GT	454.4875-454.5125 / 459.4875-459.5125
GU	454.5125-454.5375 / 459.5125-459.5375
GV	454.5375-454.5625 / 459.5375-459.5625
GW	454.5625-454.5875 / 459.5625-459.5875
GX	454.5875-454.6125 / 459.5875-459.6125
GY	454.6125-454.6375 / 459.6125-459.6375
GZ	454.6375-454.6625 / 459.6375-459.6625

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ATTACHMENT 2

MOBILE RELAY ASSOCIATES
GEOGRAPHIC-AREA AUCTION LICENSE
CALL SIGN WPVE962

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: MOBILE RELAY ASSOCIATES

ATTN: MARK J. ABRAMS
MOBILE RELAY ASSOCIATES
PO BOX 19
PARAMOUNT, CA 90723

Call Sign WPVE962	File Number
Radio Service CP - Part 22 VHF/UHF Paging (excluding 931MHz)	

FCC Registration Number (FRN): 0001532027

Grant Date 06-07-2012	Effective Date 12-27-2012	Expiration Date 06-21-2022	Print Date
Market Number BEA160	Channel Block GP	Sub-Market Designator 0	
Market Name Los Angeles-Riverside-Orange C			
1st Build-out Date 06-21-2005	2nd Build-out Date 06-21-2007	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Spectrum Lease associated with this license. See Spectrum Leasing Arrangement Letter dated 08/18/2006 and File No. 0002190272.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.