

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

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In the Matter of

PAGING AND RADIOTELEPHONE  
SERVICE LICENSES: WIRELESS BUREAU  
SEEKS COMMENT ON TECHNICAL  
FLEXIBILITY

Docket 14-180

DA 14-1508WT 10-2

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Reply Comments  
[Errata copy<sup>\[\\*\]</sup>](#)

The undersigned entities hold Part 22 licenses, mostly in the low VHF range, and submit these reply comments. Unless otherwise stated, [these](#) comments apply to all Part 22 licenses, but we primarily address rules and rule changes relevant to Part 22 in said low VHF range.<sup>1</sup> We attempt to paraphrase [aspects](#) of others' comments and then reply to those, but support herein only what we specifically describe (the "Extent"). The numbering below is ours.

Overall Reply. We firmly assert the principle that under established law, and clearly persuasive public policy, that Part 22 licensees, lessees and spectrum users are permitted all that is not clearly prohibited in the applicable rules—not that what is allowed is only what these rules specifically describe as allowed (the "Principle"). To the degree that in our Comments and these Reply Comments, we assert that various things should be allowed in amended rules, we do not waive the just stated [Principle](#) position [where it applies](#), but [in such cases](#) seek that the FCC make more clear in the rules that these are allowed, [ideally based on this Principle](#), even though

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<sup>[\*]</sup> [Additions in blue, deletions in strikeout.](#)

<sup>1</sup> Apart from our filings in this docket, we reserve rights to seek Relief particular to our Part 22 licenses and low-VHF spectrum involved, and may do so when relevant to our development and plans: since we hold the vast majority of the issued low-VHF part 22 licenses, and plan to use some new technology and applications, this is appropriate ("Reservation").

that is not required if they are not precluded by the rules. We believe that other Commenting parties stay from this foundational Principle when they seek rule changes they indicate are needed to allow something not currently prohibited. It is preferable for the FCC to dispose of any such comments or reply comments that seek such rule changes by noting **and discussing** this Principle which results in a proper conclusion by government that **it** should not spend public resources to over regulate and recite as permitted actions those things that are clearly not precluded.

All of our following reply comments are subject to the above noted Extent, Principle and Reservation:

Motorola Comments. We substantially agree to the following addressed by Motorola to the following Extent: the rules should be amended to permit, without waiver, forbearance, declaratory ruling, or other relief (together, “Relief”) the following:

1. Public safety entities, and critical business and infrastructure, users and services should be permitted. We add that this should included federal agencies, Intelligent Transportation Systems, Environment Monitoring and Protection, and other critical infrastructures and services. We add that there is no clear demarcation between some “public safety” and “business critical” one the one hand, and on the other hand **some** other entities and services, and there is also no clear demarcation between CMRS and PMRS (and more and more telecommunications is not common carrier): these argue in favor of more simple flexible rules based on the Principle **at** discussed above.

2. Part 90 certified equipment should be allowed.

3. Aggregation of adjacent channels should be permitted into wider channels (with no limit), and technology and equipment to use the wider bandwidth should be permitted. In addition, we add, technology and equipment that uses non-adjacent channels should also be

permitted, as long as the technical rules applicable to the original channels are satisfied.<sup>2</sup> Along with channel aggregation (adjacent or non adjacent, or both), it follows that power spectral density should be allowed, and it should be allowed in any case.

NPSTC Comments. We substantially agree to the following addressed by NPSTC to the following Extent: the rules should be amended to permit, without waiver, forbearance, declaratory ruling, or other relief (together, “Relief”) the following:

1. Same as under our item 1 above as to Motorola comments.
2. Same as under our item 2 above as to Motorola comments.
3. ~~2.~~ Same as under our item 3 above as to Motorola comments. Allow any emission in authorized bandwidth, allow aggregation of channels, allow flexibility as to technologies used.

Power Trunk Comments. This company comments on TETRA. We agree that TETRA should be accommodated: standard TETRA uses 25 kHz wide paired spectrum. It is a valuable technology that should be accommodated in Part 22. We do not plan to use TETRA at least in the majority of our licenses and applications, and it does not extend to the low-VHF range at this time, or by design (we have a substantial knowledge of TETRA), but still, any proven technology like TETRA should be accommodated in Part 22, and that should have an overall beneficial effect to the Part 22 radio service.)

Replies to Other Comments. Nebraska Power commented on buildout timing. We reply that the majority of commenting parties advocate the need or value of updating rules to support ~~make clear that~~ more flexibility is needed to revive and/or make more viable Part 22. In this regard, we advocate *only* a ten-year construction deadline as in many radio services that in large

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<sup>2</sup> An example of such technology is “B-VHF.” See <http://www.b-vhf.org/>. We cite this to demonstrate the principal and possibilities, not as specific technology we plan to use or that should be reviewed in detail. Clearly, modern computer and radio technology can provide this, and it is likely that at some point it will be commercially viable.

part deal with new and more unique and/or advanced services—if a licensee can meet standards to be set in new rules for new, more unique and/or advanced services, and if the licensee has sufficient quantity of Part 22 licensed spectrum in total bandwidth and territory. By setting a proper reasonably high hurdle and an associated ten-year *only* construction deadline, the FCC will motivate endeavor to meet the hurdle and benefit the public. Five years (with a three year intermediate requirement) under current years is insufficient time *to achieve substantial service* for any such major new *advanced* wireless service for substantial spectrum quantities and territories. The rules fail where they treat one license in Part 22, for one relatively small portion of the nation, and a very small amount of bandwidth, ~~in~~ *as to* the construction deadline applied, *the same* as a very large collection of Part 22 licenses in one area, or in many license areas *pursuing new, advanced technology and services*. Rules *regarding buildout and substantial service* should be adjusted to be in a reasonable measure proportional to the licensee's holdings *quantity*, and plans *and commitments* for existing, or more advanced wireless.

Respectfully submitted,

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Warren Havens  
Individually, and as President of:  
V2G LLC  
Environmental LLC  
Skybridge Spectrum Foundation  
Intelligent Transportation & Monitoring Wireless LLC

2509 Stuart Street  
Berkeley CA 94705  
Phone: 510.841.2220.

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