

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

In the Matter of	)	
	)	
Petition for Rulemaking of	)	RM-11738
The Enterprise Wireless Alliance	)	
And Pacific DataVision, Inc.	)	
	)	
Realignment of the	)	
896-901/935-940 MHz Band	)	
to Create a Private Enterprise	)	
Broadband Allocation	)	
 To: The Commission		

**REPLY COMMENTS OF  
THE SENSUS FLEXNET USER GROUP**

The Sensus FlexNet User Group (SFUG) hereby submits these Reply Comments in response to comments submitted regarding the Petition for Rulemaking of The Enterprise Wireless Alliance and Pacific DataVision, Inc. ("Petition") in the above captioned proceeding.

SFUG opposes the Petition. SFUG recommends that the FCC not allow any use of frequencies adjacent to the FlexNet 901 and 940 MHz frequencies that would cause harm to the existing operations of SFUG members.

## **1. Interest of SFUG**

SFUG has two interests in this proceeding. First, SFUG is a member user group composed of users of the Sensus FlexNet AMI system. In the United States, SFUG members utilize 901 and 940 MHz frequencies immediately adjacent the spectrum proposed to be realigned in this proceeding.

Second, SFUG members are utilities belonging exclusively to the critical infrastructure industries (CII). The Petition and initial comments of Petitioners claim that grant of the Petition would bring broadband to CII entities.

SFUG has been in existence since September 2008. SFUG membership consists of 66 US and 27 Canadian electric, gas and water utilities, serving approximately nine million (9,000,000) residences and businesses.<sup>1</sup> An additional, more than three million (3,000,000) customers are planned to be added to FlexNet systems by SFUG members in the coming years. In addition there are approximately 500, primarily small water utilities in 49 U.S. states, which use the FlexNet system. Many of these customers are not active members of SFUG. The list of SFUG

---

<sup>1</sup> Alliant Energy and The Southern Company (Georgia Power, Alabama Power, Mississippi Power, and Gulf Power) are SFUG members but have filed separate comments.

members is attached hereto. According to the SFUG Charter, the purpose of SFUG is the following:

The purpose of the Sensus FlexNet Users Group (SFUG) is to foster communications among utilities using the Sensus FlexNet AMI system, and to develop consensus amongst these utilities and Sensus. The group will identify and share best practices in AMI implementation with focused attention on the best way to use the tools provided by Sensus. The group will also provide specific feedback to Sensus to guide current practices and future development efforts.

The undersigned is the current Past-Chair of SFUG and is a member of the SFUG Executive Committee. The Executive Committee has reviewed and approved these Comments.

## **2. SFUG's Use of FlexNet**

SFUG members selected FlexNet as the system of choice due to FlexNet's long-range radio and lower infrastructure requirement and associated lower cost of infrastructure to build and maintain. One important reason that FlexNet is able to utilize superior long-range radio is that FlexNet operates over frequencies that are licensed for exclusive use and protected from interference.

SFUG concurs with the statement, found on page 7 of the Comments of the Enterprise Wireless Association and Pacific DataVision, Inc. ("Petitioners' Comments"), that FlexNet equipment is more sensitive and less able to withstand adjacent channel interference. It is this sensitivity,

combined with auctioned, exclusive-use spectrum, that gives great value to FlexNet via long-range radio and lower infrastructure requirements.

Many SFUG members were required to obtain approval from their respective state utility commissions before purchasing and installing FlexNet systems. The state commissions specifically reviewed the costs associated with FlexNet and authorized the respective SFUG member to incur those costs for FlexNet.

If noise on the frequencies were to make current FlexNet infrastructure inadequate, requiring additional base stations to deliver the same level of service, these additional costs may be prohibited from recovery by state regulators. Alternatively, for non-regulated utilities, the additional costs may be deemed to be imprudent to incur. Further, degradation of service below the original design – approved by state regulatory bodies – would take away the advantages used to make the original business case.

SFUG recommends that the FCC not allow any use of frequencies adjacent to the FlexNet 901 and 940 MHz frequencies that could cause harm to existing operations. SFUG expects that the FCC should protect the rights and operations of existing license holders. These frequencies and the

FlexNet system were selected to avoid the kind of interference issues raised by the Petition.

### **3. Broadband For CII**

The Petition apparently is being sold to the Commission as “broadband for CII”. Supposedly, if the Petition were to be granted, the Commission could “check the box” that broadband for CII is taken care of in fulfillment of the National Broadband Plan.

However, the Petition does not propose broadband for CII. No CII entity is going to hold a PEBB license proposed by the Petition. What the Petition proposes is broadband for Pacific DataVision, Inc. (“PDV”). The Petition essentially proposes that PDV would hold the PEBB licenses. The broadband ostensibly would get to CII after CII entities “negotiate deployment of build-to-suit broadband systems” (Petitioners’ Comments, page 2). Some SFUG members negotiated with PDV personnel in their previous band-clearing exercise at Nextel and are disinclined to do it again.

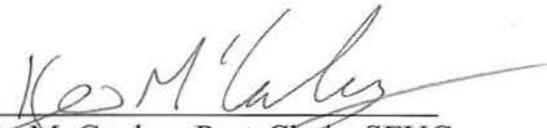
SFUG members would be more interested in the Petition if it in fact did propose broadband for CII. SFUG concurs with the Comments of Duke Energy Corporation, and Comments of E.I. DuPont De Nemours and Company, in this regard. SFUG notes the paucity of support in the record

from CII operating companies, which are the entities that supposedly would benefit from the Petition.

For the above reasons, SFUG urges that the Commission reject the Petition.

Respectfully submitted,

THE SENSUS FLEXNET USER GROUP

By:   
Kevin McCauley, Past-Chair, SFUG  
Manager, Measurement and Communications  
Utilities Kingston  
PO Box 790  
Kingston, ON K7L 4X7  
Canada  
(613)546-1181x2247

Julian Gehman  
Gehman Law PLLC  
910 17<sup>th</sup> Street NW, Ste 800  
Washington, DC 20006  
(202) 223-1177  
[julian@gehmanlaw.com](mailto:julian@gehmanlaw.com)  
Counsel to SFUG

## US SFUG Members

Alabama Power, AL  
Albuquerque Bernalillo County Water Utility Authority  
Alliant Energy, WI  
Atmos Energy Corporation, TX  
Berkley County Water and Sanitation, SC  
Benton PUD, WA  
Bossier Water Department  
Brentwood Water Services  
Brunswick County Public Utilities  
Bryan Texas Utilities  
Cape Hatteras Electric Cooperative  
Chesterfield County Rural Water Company, SC  
City of Cumberland, MD  
City of Gahanna, OH  
City of Gainesville, GA  
City of Gresham, OR  
City of Lakeland, FL  
City of Olathe, KS  
City of Pensacola, FL  
City of Redwood City, CA  
City of Safford, AZ  
City of Stow  
City of Winter Park, FL  
Cobb EMC, GA  
Darlington County Water & Sewer Authority  
Dickson Electric System, TN  
Entergy  
Evansville Water and Sewer Utility  
Federated Rural Electric Assn  
Freeborn Mower Cooperative Services  
Georgia Power, GA  
Gulf Power, FL  
Heber Light and Power, UT  
Hendersonville Utility District, TN  
Jackson EMC, GA  
Knoxville Utilities Board (TN)  
LaGrange County REMC  
Lewiston Orchards Irrigation District

## **US SFUG Members (Continued)**

Little Egg Harbour MUA  
Marshfield Utilities  
Metropolitan Government of Nashville and Davidson County, TN  
Midwest Energy, Inc.  
Minnesota Power  
Mississippi Power, MS  
Municipal Authority of the City of New Kensington, PA  
National Gas and Oil Coop  
Nobles Cooperative Electric  
North Little Rock Electric  
NV Energy, NV  
Pace Water System  
Park City Municipal Corporation  
PECO Energy Company, PA  
Ponca City Energy  
Portland General Electric, OR  
Rice Lake Utilities  
San Bernard Coop  
Sawnee EMC, GA  
Shelbyville Power System  
Southeast Colorado Power  
Southern Maryland Electric Cooperative, MD  
Spanish Fork City, UT  
Talquin Electric Coop  
Town of Cary, NC  
Town of Framingham  
Village of Skaneateles  
Woodinville Water District

## **Canadian SFUG Members**

Bluewater Power Distribution Corporation  
Brantford Power Inc., ON  
Cambridge and North Dumfries Hydro Inc., ON  
Canadian Niagara Power, ON  
City Of Medicine Hat, AB  
EnWin Utilities Ltd., ON  
Grimsby Power Inc., ON  
Haldimand County Hydro Inc., ON  
Greater Sudbury Hydro Inc  
Innisfil Hydro Distribution Systems Limited, ON  
Kitchener-Wilmot Hydro Inc., ON  
London Hydro Inc., ON  
Newmarket Hydro Ltd., ON  
Niagara Peninsula Energy Inc., ON  
Niagara-on-the-Lake Hydro Inc., ON  
Norfolk Power, ON  
North Bay Hydro  
Oakville Hydro, ON  
Orillia Power Corporation  
PowerStream Inc., ON  
PUC Services Inc., ON  
SaskEnergy  
SaskPower  
Utilities Kingston, ON  
Wasaga Distribution Inc., ON  
Waterloo North Hydro Inc., ON  
Welland Hydro-Electric System Corp., ON