

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Creation of Interstitial 12.5 kHz Channels in the 800 MHz Band Between 854-862/809-817 MHz)	WP Docket No. 15-32
)	
)	RM-11572

To: The Federal Communications Commission

**REPLY COMMENTS
OF THE
AMERICAN PETROLEUM INSTITUTE**

The Telecommunications Subcommittee of the American Petroleum Institute (“API”) is pleased to submit these Reply Comments in response to the Commission’s Notice of Proposed Rulemaking regarding the addition of interstitial 12.5 kHz channels in the 854-862/809-817 MHz band (“800 MHz Mid-Band”).¹ API generally supports the creation of full-power interstitial channels in the 800 MHz Mid-Band so long as the Commission ensures that licensees on standard channels are fully protected from interference. API also supports the Commission’s proposal to license each interstitial channel based on the category of its lower-adjacent standard channel although API agrees with those commenters that request a brief exclusive application period for incumbent users.

I. Preliminary Statement

API is a national trade association representing more than 600 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing and transportation of petroleum, petroleum products and natural gas. Among its many

¹ Creation of Interstitial 12.5 kHz Channels in the 800 MHz Band Between 809-817/854-862 MHz, Notice of Proposed Rulemaking, WP Docket No. 15-32, 80 FR 15723 (Mar. 25, 2015)(hereinafter “NPRM”).

activities, API acts on behalf of its members before federal and state regulatory agencies. The API Telecommunications Subcommittee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the oil and gas industries. API is supported and sustained by companies that make use of a wide variety of wireline, wireless and satellite communications services on both a private and commercial basis.

API member companies are authorized by the Commission to operate facilities in the Private Land Mobile Radio (“PLMR”) service, including the 800 MHz band, among other telecommunications systems. API’s members utilize PLMR systems, for example, to support the search for and production of oil and natural gas, to ensure the safe and efficient pipeline transmission of natural gas, crude oil and refined petroleum products, to process and refine these energy sources and to facilitate their ultimate delivery to industrial, commercial and residential customers.

The continued operation of PLMR communications systems employed by petroleum and natural gas companies is absolutely essential to protecting lives, health and property, both in connection with the day-to-day operations of these companies, as well as during responses to emergency incidents. These systems are integral to the production and delivery of our nation’s energy resources to the public.

II. First and Foremost The Commission Must Protect Current 800 MHz Band Operations.

There is one common theme among participants in this proceeding – use of standard channels must not be compromised by 12.5 kHz interstitial operations. For example, UTC urges the Commission to “adopt interference standards that adequately protect operations on the existing 25 kHz channels.”² APCO notes there is a danger “that adding new channels without

² UTC Comments at 2.

appropriate protections could interfere with existing operations [...] and result in a net loss of useable spectrum.”³ API wholeheartedly agrees.

API member companies rely on 800 MHz systems principally in refineries, chemical manufacturing plants, and to aid transportation of refined and unrefined liquids and natural gas. These two-way voice communication systems support critical operational, security, maintenance and safety-related functions on a 365 days-a-year, 24 hours-a-day basis. A large 800 MHz system may serve more than 1,000 workers. Mobile radio facilities, including 800 MHz systems, are used, among other things, to communicate critical operational instructions from unit control centers to personnel responsible for task execution and between such personnel to coordinate activities. The secure and reliable transmission of these instructions ordinarily ensures incident-free operations. Prompt emergency response to any incident that may occur limits the extent of impact to workers and the surrounding communities. Thus, effective communications are essential for rescue and emergency response teams to provide immediate assistance in the event of a serious incident.

Although there are potential benefits to allocating new interstitial channels, those benefits quickly evaporate if current users are subjected to interference. The Commission’s proposal to add interstitial channels in the 800 MHz Mid-Band should be adopted only after the Commission is confident that adequate frequency coordination and interference protection requirements that take into account the wide variety of possible combinations of equipment are in place. The protection requirements should be conservative and must ensure a level of protection at least equivalent to the level afforded licensees under the current rules.

³ APCO Comments at 2.

API does not agree with commenters that suggest interstitial channels should be licensed on a secondary basis. API members view exclusivity as one of the major benefits of the 800 MHz band. To the extent that interstitial channels are licensed on a secondary basis the potential uses for such channels would be limited and the gains from this proceeding would be negligible.

API understands that the Land Mobile Communications Council will be submitting coordination recommendations in this proceeding. API urges the Commission to closely evaluate that information, along with suggestions from affected communities and vendors, to arrive at robust procedures for allowing the use of interstitial channels operations while also protecting users on standard channels.

III. The Commission Should License Each Interstitial Channel Based On The Category Of Its Lower-Adjacent Standard Channel.

API is strongly opposed to any action that would reduce the amount of spectrum ultimately available to B/ILT entities, including expanding eligibility for 800 MHz B/ILT channels to all Part 90 eligible entities. Thus, API disagrees with those commenters that call for the Commission to reserve interstitial channels for Public Safety eligibles for some period of time.⁴

B/ILT users, which have waited patiently through years of 800 MHz rebanding, are increasingly in need of spectrum resources to expand system capacity and deploy new facilities. While Public Safety has received narrowband and broadband spectrum in the 700 MHz band as well as rights to ESMR-cleared spectrum as it first becomes available, B/ILT users have not received similar relief. Licensing non-B/ILT users on interstitial channels adjacent to B/ILT standard channels has the possibility of resulting in a net reduction of spectrum available for

⁴ See e.g., Comments of State of Florida at 4 (“any General Category pool of interstitial channels should be reserved for Public Safety eligibles [...] and with preference for public safety T-Band incumbents”); Comments of Michigan Public Safety Frequency Advisory Committee at 4 (suggesting Public Safety should have exclusive access to interstitial channels for a period of five years).

critical infrastructure. API could not support the proposal in that instance. Instead, API agrees with the rules as proposed by the Commission that interstitial channel eligibility should be determined based on the category of lower-adjacent standard channels.

IV. The Commission Should Allow Incumbent Users Exclusive Access to Interstitial Channels for a Period of One Year.

API appreciates UTC's comments that the creation of interstitial channels may reduce the ability of current licensees to expand to wider bandwidth applications. API believes that there are very few instances in which current licensees on standard channels hold sufficient adjacent channels that could be combined to form wider bandwidth operations. To the extent that licensees have obtained spectrum for this purpose, the introduction of interstitial channels should not foreclose the possibility of channel combining. In the same way, the introduction of interstitial channels should not prevent current licensees from implementing plans to migrate to wider bandwidth technologies such as TETRA or employ channel splitting under Section 90.221 of the rules.

To prevent this, API suggests that the Commission allow a brief period of one-year during which incumbent licensees exclusively can apply for interstitial channels. This will allow incumbents to acquire frequencies adjacent to their current license assignments to ensure that channel combining is available and will also allow incumbents the opportunity to expand systems that have been waiting for capacity during rebanding.

API does not support reserving interstitial channels for T-Band users. API agrees with NPSTC that interstitials are unlikely to provide significant opportunities for relocation of T-Band operations in most T-Band markets.⁵ API believes that in those areas, the limited channels that are available would be better used to expand current systems.

⁵ NPSTC Comments at 7.

V. CONCLUSION

The creation of interstitial channels in the 800 MHz Mid-Band has the potential to provide some benefit to prospective users, however, the Commission must first ensure that systems used by current licensees are adequately protected. API respectfully requests the Commission adopt rules consistent with these comments.

Respectfully submitted,

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