

June 29, 2015

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Comments to Supplement to Petition for Rulemaking
RM - 11738**

Dear Ms. Dortch:

The Association of American Railroads (“AAR”), by its counsel, hereby submits these comments to the supplement submitted on May 3, 2015 (the “Supplement”) by the Enterprise Wireless Alliance and Pacific DataVision, Inc. (together, the “Petitioners”).¹ Petitioners seek realignment of the 896-901 MHz/935-940 MHz (the “900 MHz”) band to establish a Private Enterprise Broadband (“PEBB”) allocation. In response to concerns raised by commenters regarding the lack of detail in the Petition,² the Supplement provides specific rules for the PEBB proposal. While AAR continues to study Petitioner’s proposal, it submits this letter to make clear that AAR has not endorsed any of the proposed rules or any aspect of the proposal.³

AAR is not inclined to support the proposal because of its continued concerns regarding the potential interference from the proposed PEBB service to adjacent-band operations, particularly

¹ See Realignment of the 896-901/935-940 MHz Band to Create a Private Enterprise Broadband Allocation, Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., RM-11738, Proposed Rules (May 3, 2015); see also *Wireless Telecommunications Bureau Seeks Comment on Supplement to Enterprise Wireless Alliance and Pacific DataVision, Inc. Petition for Rulemaking Regarding Realignment of 900 MHz Spectrum*, Public Notice, RM-11738, DA 15-579 (May 13, 2015); see also Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc. (Nov. 17, 2014)(“Petition”).

² See, e.g., Reply Comments of the Association of American Railroads, RM-11738 at 1 (Jan. 27, 2015) (“AAR Reply Comments”).

³ The cover letter to the Supplement could be misread to suggest that AAR supports some, but not all, of the rules. See Letter from Elizabeth R. Sachs, counsel to the Petitioners, to Marlene H. Dortch, RM-11738 at 1 (May 3, 2015) (“The rules reflect constructive input from representatives of the American Association of Railroads [and other entities]; however, those organizations have not endorsed these rules *in their entirety*”) (emphasis added).

those operations of AAR member railroads.⁴ The Petitioners have not provided any interference analyses that demonstrate that there is adequate protection to AAR's adjacent-band Advanced Train Control System license, which facilitates automated rail operations, enabling railroads to operate more safely, efficiently, and economically.⁵ Moreover, Petitioners have now proposed to make the out-of-band emissions ("OOBE") limits applicable to the PEBB transmissions less stringent, by 18 dB, than those limits proposed earlier in a March 2015 *ex parte* letter, allowing 63 times more power in the adjacent bands and greatly increasing the risk of potential interference.⁶ The base and mobile power levels proposed by the Petitioners, along with the lack of any meaningful guard band between the proposed PEBB allocation and the adjacent SMR/B-ILT allocation, could easily result in overload of incumbent 900 MHz receivers if operating near a PEBB base station or mobile device. The Petitioners fail to address these interference issues.

For these reasons and those stated in the AAR Reply Comments, AAR asks that the Commission take no action on the Petition until there is more information on the impact of the proposed PEBB service on incumbent 900 MHz band operations. To the extent the Commission decides to grant the Petition and initiate a rulemaking, AAR urges the Commission to propose rules that adequately protect adjacent narrowband operations, including those of AAR member railroads, which provide critical safety-related functions.

Respectfully submitted,

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⁴ In the 900 MHz band, AAR holds an FCC license, call sign WPSF894, allowing the use of six-paired frequencies on a nationwide basis for AAR member railroads. One of AAR's frequency pairs (897.9875 MHz/936.9875 MHz) is immediately adjacent to the proposed PEBB allocation. See AAR Reply Comments at 3.

⁵ See *In the Matter of Petition of Association of American Railroads (AAR) for Modification of Licenses for Use in Advanced Train Control Systems and Positive Train Control Systems*, Order, 16 FCC Rcd 3078 ¶ 2 (PS and WTB 2001) ("[T]he system was designed to prevent train collisions, high speed accidents, and incursions into locations reserved for railway workers.").

⁶ See Letter from Elizabeth R. Sachs, counsel to the Petitioners, to Marlene H. Dortch, RM-11738 at 1 (May 3, 2015).