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OCT 15 1991

Federal Communications Commission  
Office of the Secretary

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

In the Matter of )  
 )  
Petition of )  
 )  
PRONET INC. )  
 )  
For Amendment of the Commission's )  
Rules to Allocate Spectrum for )  
Permanent Provision of Electronic )  
Tracking Services ("ETS") and to )  
Amend the Commission's Rules to )  
Authorize ETS Permanently Under )  
the Business Radio Service )

RM-7784

To: The Commission

REPLY COMMENTS

PRONET INC.

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October 14, 1991

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To: The Commission

REPLY COMMENTS

Pursuant to Section 1.405(b) of the Commission's Rules,<sup>1</sup> ProNet Inc. ("ProNet"), by its attorney, hereby replies to the comments on the above-captioned rule making proceeding for the establishment of an Electronic Tracking Service ("ETS").

On July 30, 1991, ProNet filed a Petition for Rule Making with the Commission ("Petition"). In this Petition, ProNet requests that the Commission amend its Rules to allocate spectrum permanently in the 216-220 MHz band for provision of ETS on a nationwide basis. ProNet also requests that the Commission amend Subpart D, Part 90, of its Rules to authorize ETS permanently under the Business Radio Service ("BRS").

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<sup>1</sup> 47 C.F.R. Section 1.405(b) (1991).

## I. SUMMARY

Substantial support for grant of ProNet's Petition has been expressed. Such support is not surprising. Everyone wins. No one loses. Significant public interest benefits occur where ETS operates. Convictions and recovery of stolen goods increase. Robberies decrease. In contrast, costs resulting from permanent ETS operation would be minimal. ETS would operate only on a secondary basis and would not cause harmful interference to incumbent licensees.

Several parties have submitted letters describing how valuable ETS is as a crime-fighting tool and how imperative it is that ProNet's ETS be authorized on a permanent basis.<sup>2</sup> Other parties, including 16 national and local law enforcement agencies, five (5) financial institutions, and two (2) merchants, have authorized ProNet to state, in this pleading, that they support grant of the Petition.<sup>3</sup> Furthermore, included in Exhibit 2 to the Petition, are letters from the FBI, local law enforcement agencies, and private-sector users of ETS, all testifying to ETS' usefulness and effectiveness and to the need for having ETS available on a permanent basis.

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<sup>2</sup> See Exhibit 1 hereto for copies of these letters.

<sup>3</sup> See Exhibit 2 hereto for a list of these organizations.

Opposition to grant of the Petition pales in comparison. Comments by only two (2) parties were filed which failed to support ETS:

1. Comments of MSTV, filed by the Association for Maximum Service Television, Inc. ("MSTV"). In these comments, MSTV opposes grant of the Petition because there is no demonstrated need for ProNet's requested frequency allocation and because such an allocation potentially would cause harmful interference to broadcast television stations.
2. Comments of Waterway Communications System, Inc. ("Watercom Comments"), filed by Waterway Communications System, Inc. ("Watercom"). As the licensee of an Automated Maritime Telecommunications System ("AMTS"), Watercom opposes grant of the Petition because of its concern that ETS would cause harmful interference to its system. Watercom also alleges that its AMTS stations could affect ETS station operation adversely. Finally, Watercom argues that, as a telemetry service, operation of ETS already is provided for under Part 90 and thus no special allocation or rule changes are required.

As demonstrated below, the concerns expressed by MSTV and by Watercom are undocumented and incorrect. ProNet was careful to propose adoption of regulations for ETS that would ensure the integrity of its operation without compromising the operation of adjacent spectrum users, such as television and AMTS licensees. More importantly, the record of this proceeding clearly demonstrates that grant of the Petition is necessary for protection of property and public safety and thus is in the public interest.

## II. PRONET'S PROPOSAL

ProNet's wholly-owned subsidiary, Electronic Tracking Systems, Inc. ("Tracking Systems"), operates state-of-the-art ETS under

experimental authority in 12 metropolitan areas. These areas include Los Angeles, San Francisco and Dallas.

ETS is an essential crime-fighting tool. Local state and federal law enforcement agencies use it regularly for their criminal tracking operations. A mini "tag" transmitter is secretly attached to bundles of currency, jewelry or other valuables. When a "tagged" valuable is stolen, the transmitter is activated. Equipped with various receiving devices, law enforcement authorities are able to track the criminal.

During its 18 years of experimental operation, ProNet's ETS has succeeded in assisting law enforcement authorities. Perpetrators are captured within minutes. Stolen goods are recovered quickly. Suspects are convicted. Incidence of robbery decreases significantly. Attendant risk to human safety is lowered.

This useful and effective crime-fighting service is threatened. No permanent spectrum has been allocated for ETS. Law enforcement authorities, financial institutions and other merchants consequently are reluctant to invest their resources to support its availability. Development of this technology domestically and internationally is being retarded.

Rule changes proposed in ProNet's Petition remedy this situation. Amending Part 90 of the Commission's Rules would establish ETS as a permanent service under the BRS. Allocating

three (3) channels in the 216-220 MHz band for ETS would enable complete provision of its crime-fighting services on a nationwide basis.

a. ETS should be defined and authorized permanently under the Business Radio Service.

In its Petition, ProNet requests that ETS be authorized permanently under the BRS. Petition at 26-27. To implement ETS in the BRS, ProNet proposes that Section 90.7 of the Commission's Rules be amended to include the following definition:

Electronic Tracking Service ("ETS"). A telemetry radiolocation Business Radio Service assisting law enforcement agencies and commercial entities in tracking the location of property and individuals.

Id. at 27.

b. Three channels in the 216-220 MHz band should be allocated for ETS.

ProNet proposes allocation of three (3) 8 KHz channels for ETS:

- \* 218.0 MHz - Tracking operations for robberies involving banks, jewelers, etc.
- \* 218.5 MHz - Undercover and training applications.
- \* 219.0 MHz - Tracking operations for misdemeanor, low-risk felony (e.g., vehicle tracking, personnel), etc.

Id. at 27. Based upon its 18 years operational experience providing ETS in the 216-220 MHz band (i.e., at 219.96 MHz), ProNet proposes assignment of these channels for the following reasons.

First, ETS is not effective at lower frequencies (i.e., beginning at about 200 MHz). At these lower frequencies, the spacing needs of ETS system tracking antennas cannot be accommodated with existing law enforcement patrol vehicles. Components and antennas operating at these frequencies are too large for clandestine placement. When compressed for such secret operation, the small emitting devices do not operate as efficiently in critical life and death situations. It is difficult to transmit radio signals from small transmitters out of confined spaces, such as the trunk of an automobile, where illegal narcotics or stolen property may be located. Id. at 27-28.

Second, ETS also is not effective at higher frequencies (i.e., above 400 MHz). At higher range frequencies, path loss and efficiency of available components results in the quality of transmission from the small transmitter deteriorating rapidly. Id. at 28.

Third, spectrum propagation of frequencies near the 220 MHz band is excellent for land mobile-type operations. The quality of land mobile use in this band is enhanced by low noise, absence of skip, minimal foliage absorption and ease of effective antenna construction. Id.

Allocating three (3) ETS channels in the 216-220 MHz band does not threaten existing uses of this band by AMTS or television channel 13 licensees at the low end of the band or the future 220-

222 MHz licensees at the high end of the band. Such interference potential is minimal for several reasons. ETS would operate on a secondary basis to AMTS and Federal Government operations. Petition at 30-32. Given ETS' low power level, it would not cause harmful interference to, or receive interference from, TV channel 13 licensees or prospective 220-222 MHz licensees. Id. at 32-35.

c. Only one ETS license per SMSA should be granted.

ProNet proposes limiting the number of ETS licenses to one for each SMSA:

Section 90.173(k). Only one license shall be granted for provision of Electronic Tracking Service in each SMSA.

Id. at 36-37.

This limitation is necessary for several reasons. Coordination among the various law enforcement agencies with jurisdiction over a SMSA is facilitated. Problems associated with making a licensee's system compatible with the other SMSA licensee(s) and with confidential and proprietary local law enforcement agency procedures are avoided. Redundant equipment installation is eliminated. Degradation of ETS signal integrity caused by adjacent or co-channel licensees is prevented. Id. at 35-36.

d. Expedited summary proceedings to select ETS licensees must be adopted.

ProNet proposes that expedited comparative summary proceedings, rather, than lotteries, should be used to select ETS

licensees. Use of random selection procedures does not save time. Nor do such procedures necessarily produce the best qualified candidate. Since ETS involves cooperating with local law enforcement authorities to protect effectively the safety of individuals and property, the Commission must use a selection process that ensures the most qualified applicant will be licensed. Id. at 37.

Consequently, ProNet proposes that Section 1.972 be amended to add a new Section 1.972(e) and that application and hearing fees be imposed upon applicants:

Section 1.972(e). Notwithstanding the provisions of Section 1.972(d), mutually exclusive applicants for a license to provide Electronic Tracking Service under the Business Radio Service that are acceptable for filing shall be subject to a summary proceeding to be conducted as follows:

(i) Within 30 days after the Private Radio Bureau issues a Public Notice identifying which applications are acceptable for filing, concise and factual arguments on the competing proposals from the competing applicants, potential customers, and other knowledgeable parties in interest shall be filed.

(ii) Within fifteen (15) days following the due date for the filing of comments prescribed under Section 1.972(e)(i), the Commission will accept concise and factual replies from the rival applicants.

(iii) From time to time during the course of this procedure, the Commission may request additional information from the applicants and hold informal conferences at which all competing applicants shall have the right to be represented.

(iv) The competing applicants shall be evaluated on the basis of: (a) technical and operational proposals; (b) experience in operating a private radio service to meet the safety needs of the public; and (c) whatever other issues the Commission deems appropriate with respect to the particular SMSA involved. A preference also will be granted to an applicant which is an ETS licensee in the adjacent SMSA.

(v) Upon evaluation of the applications, the information submitted and such other matters as may be officially noticed, the Commission will issue a decision granting one of the proposals which it concludes would best serve the public interest, convenience and necessity. The decision will report briefly and concisely the reasons for the Commission's selection and will deny the other application(s). This decision shall be issued within 90 days after completion of the filings prescribed under Section 1.972(e)(ii) and shall be considered final.

Id. at 37-39.

e. Mobile units should be operated under a blanket license granted the ETS licensee.

Until a crime occurs, the ETS transmitter is inactive. When the crime occurs, the transmitter is activated and will be in operation only when in the possession of the criminal.

To accommodate the multiple transmitter "tags" that might be deployed, ProNet proposes granting a blanket license to the ETS licensee. A blanket license will not result in any service degradation. Risk of harmful interference from the tags is minimal because of their low power operating level, limited "activation" time, and strict maintenance by trained personnel. Id. at 39-40.

Accordingly, ProNet proposes that Section 90.403 of the Commission's Rules be amended to add new Section 90.403(h):

Section 90.403(h). The Business Radio Service licensee providing an Electronic Tracking Service shall be responsible for exercising effective operational control over all mobile stations which transmit under authority of such license. The proper installation, maintenance and repair of such mobile stations shall be the responsibility of the ETS licensee.

Id. at 40.

f. More than one frequency should be assigned ETS licensees.

A BRS licensee generally is limited to assignment of only one frequency or pair of frequencies. ProNet requires three channels to operate ETS. Id. at 40-41.

Accordingly, ProNet proposes that Section 90.75(e) be amended to add a new Section 90.75(e)(5):

Section 90.75(e)(5). Frequencies in the 216-220 MHz band may be assigned for the operation of an Electronic Tracking Service notwithstanding this limitation.

Id. at 41.

g. ETS system testing must be permitted.

ETS licensees must be able to evaluate the practical equipment needs and specific topographical and propagation characteristics in each SMSA prior to commencing operation. Thus, ProNet proposes that the Commission permit ETS operation pursuant to Special Temporary Authority (Section 90.145) or under the provisions of Part 90, Subpart Q (Developmental Operations). Id. at 41-42.

h. Tracking Systems' ETS Experimental Licenses should be grandfathered.

Tracking Systems has operated ETS systems in various SMSAs at 219.960 MHz under Experimental Licenses over the past 18 years. To facilitate a transition to the 218.0-219.0 MHz band, ProNet proposes that the Commission grandfather such licenses and permit Tracking Systems to provide ETS in these markets at 219.960 MHz for ten (10) years from the effective date of the new rules or until operations in the 220-222 MHz band cause harmful interference to ETS, whichever occurs first. Id. at 42.

**III. THE RECORD SUPPORTS GRANT OF PRONET'S PETITION**

a. Law enforcement agencies, financial institutions and merchants all favor grant of the Petition.

Support for grant of this Petition is broad-based and unequivocal. In a July 22, 1991, letter, the Vice President and Senior Deputy Director of Bank of America Corporate Security Services, declared:

We wish to express our support of the permanent licensing of ProNet Tracking Systems (PTS).

\*\*\*\*\*

Bank of America began using the PTS robbery deterrent devices in San Francisco in 1983, and has expanded use of the devices in Northern and Southern California communities where it has become available. We have found the PTS devices to be a highly effective robbery deterrent. The number of our Bank robberies and robbery losses have been significantly reduced in those areas where the PTS devices are in use. Use of the PTS

devices has also resulted in an increase in the number of robbers that have been arrested and convicted, that typically would not have been apprehended. We feel the PTS devices are the most effective loss prevention tool currently available to safeguard the Bank's assets, customers and employees from bank robbers.

In a July 19, 1991, letter, the Sacramento County Sheriff's Department declared:

The Sacramento Sheriff's Department wishes to voice its support of the petition submitted by ProNet Inc., for the permanent provision of an Electronic Tracking Service (ETS) within the Rules and Regulations of the FCC. We need the new technology tools this service provides. This vital law enforcement monitoring and tracking service enables us to promote safety of life and property through the expanded use of radio communications for crime control and prevention.

In a July 25, 1991, letter, the Valley Bank of Nevada Director of Security stated:

The single most effective device for capture of the robber, before committing additional robberies, has been the electronic tracking devices of ProNet. It is imperative that every consideration be given to cooperation with ProNet, local law enforcement, and financial institutions in allowing permanent licensing of the ProNet units.

Exhibit 1.

Support for grant of ProNet's Petition does not end with these letters. Several other law enforcement agencies, financial institutions and merchants have authorized ProNet to list their intent that the Petition be granted. See Exhibit 2.

b. MSTV and Watercom fail to prove that grant of the Petition is not in the public interest.

In their comments, MSTV and Watercom argue that ProNet's Petition should be denied. MSTV and Watercom allege that ETS, as proposed in its Petition, would cause harmful interference to broadcast and AMTS licensees. MSTV claims that ProNet fails to demonstrate a genuine need for its requested allocation. Watercom argues that since ETS is a telemetry service, current Part 90 rules permit its operation, obviating the need for any specific allocation or other rule changes. Neither MSTV's nor Watercom's comments, however, present any documentation or other evidence to support these arguments.

1. ETS will not cause harmful interference -- MSTV states that the 216-220 MHz band is "a major spectrum battleground" involving AMTS and amateur radio licensees, as well as proponents of Interactive Video Distribution Services. Comments of MSTV at 3. MSTV expresses "serious concerns about the capability of each of [these] competing uses with broadcast television." Id. at 4. It concludes that the "cumulative interference potential" that would result from the proposed ETS allocation would be "potentially destructive" and would interfere with operation of TV channel 13 stations. Id.

MSTV is wrong. ETS would not cause harmful interference to TV channel 13 licensees. As detailed in the Petition, such protection against interference results from ETS' low power level.

Under ideal conditions, an ETS emission level of 10 milliwatts (+10 dbm) in the middle of the 216-218 MHz band produces a signal in the 210-216 MHz (TV channel 13) band reduced by 85 db to a level of 30 picowatts (-75 dbm). The typical sensitivity of commercial TV receivers is -90 dbm. One wavelength removed the loss is 22 db, and the interfering signal is reduced to -97 dbm. Accordingly, at 4.5 feet displacement from the receiver, the ETS signal is non-interfering. For an ETS emission of 120 milliwatts (which would be its highest ERP), this displacement would be less than 2 wavelengths or 9 feet (the second wavelength reducing the signal by an additional 6 db). For an ETS emission to interfere with a TV receiver, the ETS device would have to be within 9 feet of the TV set, which is a highly unlikely event. Moreover, when activated, the ETS transmitter typically is moving at a rapid rate, so the time that such interference might occur would not result in any perceptible interference to TV reception. Petition at 32-34.

MSTV offers absolutely no documented studies or other evidence to rebut these facts. Thus, the Commission should ignore MSTV's self-serving argument that ETS would cause harmful interference.

Watercom also alleges that ETS would interfere with AMTS operations. Watercom also is wrong.

First, Watercom claims that two of the channels requested for ETS by ProNet are band-edge frequencies to AMTS assignments. Consequently, Watercom assumes that particularization of the channels, as requested by ProNet, could have a "magnet effect" resulting in concentration of assignments and telemetry operations on those frequencies. Watercom Comments at 3.

Second, Watercom expresses concern about the potential for interference by ETS transmitters to AMTS stations, even though ETS equipment operates at low power. Watercom bases this concern on the fact that its coast station receivers are engineered at a high sensitivity level. Id. Thus, Watercom alleges that:

Close operation of an ETS transmitter to a WATERCOM shore station could result in capture of a WATERCOM channel, and the low power and itinerant use of the ETS would serve to inhibit prompt identification and resolution of the interference problem.

Id. at 4.

Watercom's speculation about ETS causing interference to AMTS operations has absolutely no basis in fact. Like MSTV, Watercom offers no specific documentation to support these claims. The nature of ETS operations makes it highly unlikely that interference would occur at all, or if it occurs, would last for more than one minute.

ETS transmitters are active only during robbery-chase sequences. These sequences typically occur as often as once a week and as little as once a month. During the activation, ETS

transmitters are on for approximately 15 minutes and are traveling at a "get-away" speed of at least 30 miles an hour.

Not only does ETS' limited activation time and transient operation reduce the potential for interference occurring, the geographic distribution of AMTS stations makes it virtually impossible for their operation to be disrupted by ETS transmitters. An ETS transmitter would have to be within close proximity (1 mile radius) of the coast receiver station involved to cause any interference. The probability of an ETS transmitter being in such close proximity to a coast station is nominal at best. An ETS transmitter only is proximate to a coast station for, at most, one minute. The likelihood of this proximity occurring in a given SMSA area is about 1 in 250 and then only once approximately every week. If coast stations are not located coincident with the center of metropolitan SMSAs containing ETS, then no proximity or interference would occur at all.<sup>4</sup>

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<sup>4</sup> Watercom also speculates that its AMTS stations might interfere with ETS operations. Watercom Comments at 4. This speculation is totally unjustified. Chances that AMTS transmissions on either of the two channels straddled by ETS would cause interference are virtually nil. Locating ETS on either side of ship transmit channels, rather than coast station transmit channels (as Watercom incorrectly suggests), will assure the potential interference areas would be minimized due to the location, elevation, and lower power emissions from these ships. The interference probability between ETS and AMTS ship transmissions is further reduced by the low activity of ship transmissions in comparison to the activity of coast transmitter station emissions. Clearly, ship transmit channels are the preferable choice for ETS operations because there is no possibility of collocating transmitters and because use of such

2. ProNet demonstrates a need for the proposed allocation

-- MSTV argues that ProNet "fails to demonstrate a genuine need for [the] frequencies" it seeks. Comments of MSTV at 1-2. It disputes ProNet's claims that the Commission's public safety mandate under the Communications Act of 1934, as amended (the "Act") compels grant of the Petition. Id. MSTV misses the point.

Under Section 151 of the Act, the Commission must make available, to the public, technologies that promote "safety of life and property...." 47 U.S.C. Section 151 (1991). Coupled with this mandate, Section 157(a) of the Act requires the Commission "to encourage provision of new technologies and services to the public." 47 U.S.C. Section 157(a) (1991).

ProNet's ETS is a technology proven to reduce crime and to increase conviction rates and recovery of stolen property significantly. Such crime-fighting effectiveness results in dramatic improvement to public safety. Thus, contrary to MSTV's position, these statutory provisions require grant of the Petition.

MSTV also erroneously argues that ProNet fails to demonstrate why it cannot use spectrum in the 220-222 MHz band recently allocated for eligibles in the Public Safety Radio Services ("PSRS"). Comments of MSTV at 2. In making this argument, MSTV questions why ProNet is unable to operate its ETS under the "aegis of the many overlapping public safety jurisdictions in any given channels maximizes the distance between AMTS and ETS operations.

region" and why FCC-created public safety regional entities, such as the Associated Public-Safety Communications Officers, Inc. ("APCO"), could not coordinate the implementation and use of ETS services by their constituents. Id.

MSTV's argument is unavailing. First, ProNet could not operate in the 220-222 MHz band set aside for the PSRS because it is not technically feasible for the following reasons:

(1) There is substantially less protection against interference to other licensees in the 220-222 MHz band because it has only a 5 kHz guardband, as opposed to a 25 kHz guardband in the 216-220 MHz band.

(2) Operation in the 220-222 MHz band will be more congested, by orders of magnitude, than operation in the 216-220 MHz band, because the 220-222 MHz will accommodate much more traffic at any given time.

(3) Transmitting stations in the 220-222 MHz band typically will be located in the more populated areas of the SMSA. Conversely, AMTS stations operating in the 216-220 MHz band typically will be located outside urban areas and along the waterway within the SMSA. Under this geographic configuration, ETS stations, which will be located in the more urban areas of a SMSA, would be less likely to cause interference to AMTS stations than 220-222 MHz stations.

Second, as demonstrated in the Petition, law enforcement agencies supported a specific set-aside of spectrum for ETS rather

than have it operated as part of the PSRS. Petition at 18. In the proceeding to establish the 220-222 MHz band:<sup>5</sup>

Tracking Systems supported the Commission's proposal to create 200 5 KHz channels in the 220-222 MHz band for utilization by narrowband technologies. However, the Commission's proposed service rules failed to accommodate vital law enforcement monitoring and tracking needs at the local, state and federal levels. To meet these critical public safety and national security requirements, Tracking Systems requested that the Commission specifically designate spectrum in the 220-222 MHz band for law enforcement tracking operations (*i.e.*, ten adjacent narrowband simplex channels for local and state public safety tracking needs and ten adjacent narrowband simplex channels for joint federal/state use). Tracking Systems demonstrated that the availability of these channels would allow authorities to combat and reduce violent crime, including drug trafficking, burglary, robbery, and kidnapping throughout the United States.

\*\*\*\*\*

Despite overwhelming public support from law enforcement agencies [including APCO] and merchants, the Commission adopted a public safety set-aside of ten channels, but it limited eligibles for this set-aside to entities currently authorized in the Part 90 Public Safety Radio Services ("PSRS"). Pursuant to Section 90.17(a) of the Commission's Rules, police authorities are eligible to be licensed under the PSRS, but private entities, like Tracking Systems, are not eligible. [I]t is impractical to operate ETS under licenses granted to law enforcement agencies because there are numerous such

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<sup>5</sup> Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services, 6 FCC Rcd 2356, 2360 (1991).

local, state and federal agencies serving each area. Consequently, since the Commission rejected Tracking Systems' request for a set-aside that could be licensed to private entities, ProNet now must seek the rules proposed herein to ensure the permanent effective operation of ETS.

Id. at 19-20 (citations omitted).

MSTV is naive in assuming that ETS could operate under the supervision of multiple local law enforcement agencies. As ProNet demonstrated in its Petition, effective ETS crime tracking operations cannot be accomplished when more than one law enforcement agency must be the licensee. Coordination among the various law enforcement licensees serving a SMSA would be complicated and counter-productive. Redundant equipment would be necessary, which is an anathema to budget-conscious law enforcement agencies. Signal integrity would suffer because of likely interference from adjacent or co-channel licensees. Petition at 35-36. Thus, MSTV's proposal that ETS should be operated by multiple police licensees is unacceptable.<sup>6</sup>

Similarly, MSTV obviously does not understand the dynamics of law enforcement communications when it argues that ETS could be implemented by multiple public safety regional entities. These regional entities operate to protect frequencies dedicated for public safety against harmful interference. This role is quite

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<sup>6</sup> See Section II.c, supra.

different from coordinating police communication services.<sup>7</sup> Only a single ETS licensee can fill that role.<sup>8</sup>

3. Effective ETS operation requires a specific allocation in the BRS -- Watercom argues that the "rule amendments proposed by ProNet are superfluous" because ETS is a telemetry service, which already is subject to Part 90 regulation. Id. at 2-3. Under such circumstances, Watercom requests that ETS

should be dispersed throughout the available frequency bands in terms of channels of operation in order to minimize interference potential. The telemetry rules as they currently exist accomplish this result.

Id. at 4.

Watercom's argument makes no sense. For ETS to be effective, it must be operated at a specific single frequency band. Dispersing ETS channels throughout various non-contiguous frequency bands would compromise its effectiveness significantly.

Implementation of Watercom's proposal would necessitate separate ETS receivers. Otherwise, the extreme sensitivity/-

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<sup>7</sup> APCO, one of these regional entities, supports a separate allocation for ETS.

<sup>8</sup> Reliance on these regional entities is unnecessary. Tracking Systems has established an ETS Coordinating Council in each SMSA where it operates. This Council consists of all the local and national law enforcement agencies and the top three (3) users in that region. Tracking Systems chairs the Council. The Council serves to ensure coordinated operations among the various police agencies and private users, to handle any problems, and to pursue new ETS applications. Tracking Systems will establish a similar Council in all other SMSAs where it operates an ETS.

selectivity required to facilitate effective ranges against the very low ETS power transmission, while producing effective direction-finding operations, could not be accommodated. Use of multiple receivers is not practical. Law enforcement agencies cannot afford a system requiring multiple receivers. Nor can they operate their tracking systems efficiently or effectively in such a multiple-receiver environment.

Alternatively, Watercom proposes that, should the Commission adopt particular channelization for ETS, it should occur in the AMTS "Group D" shore station transmit band, 216.0 - 216.5 MHz. Id. This proposal is highly disingenuous. Operation in the 216.0 - 216.5 band would affect operation at Channel 13 adversely. Given Watercom's long history battling with MSTV and TV channel 13 licensees, it is highly unlikely that MSTV is not aware of this problem.

ProNet carefully selected the 218.0 - 219.0 MHz band to ensure that harmful interference to AMTS and broadcast licensees would not occur. Thus, Watercom's self serving proposal to allocate the 216.0-216.5 MHz band for ETS is without merit.

#### **CONCLUSION**

Crime is increasing nationwide at an alarming pace. ETS is a proven remedy for this problem. ETS works.

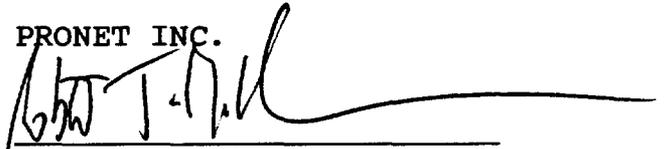
Support for grant of the Petition overwhelms the nominal opposition. And, such opposition is based upon unsubstantiated

allegations about ETS. The record of this proceeding compels Commission action to make ETS available, across the country, on a permanent basis.

WHEREFORE, for the foregoing reasons, ProNet Inc. respectfully requests that the captioned Petition for Rule Making be adopted promptly.

Respectfully submitted,

PRONET INC.



---

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A Registered Limited Liability  
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Dallas, Texas 75201  
(214) 999-3000

ITS ATTORNEY

DATE: October 14, 1991

**EXHIBIT 1**



**Bank of America**

Corporate Security Services #3259

July 22, 1991

Federal Communications Commission  
1919 M. Street N.W., Room 222  
Washington D.C. 20036

RE: ProNet Tracking Systems

Dear Commission Members:

We wish to express our support of the permanent licensing of ProNet Tracking Systems (PIS).

Bank of America began using the PIS robbery deterrent devices in San Francisco in 1983, and has expanded use of the devices in Northern and Southern California communities where it has become available. We have found the PIS devices to be a highly effective robbery deterrent. The number of our Bank robberies and robbery losses have been significantly reduced in those areas where the PIS devices are in use. Use of the PIS devices has also resulted in an increase in the number of robbers that have been arrested and convicted, that typically would not have been apprehended. We feel the PIS devices are the most effective loss prevention tool currently available to safeguard the Bank's assets, customers and employees from bank robbers.

If you would like specific case information or details regarding the number of devices and locations used, I can be contacted at (415) 622-3757.

Sincerely,

Walter R. Heilner  
Vice President and  
Senior Deputy Director

WRH:fn

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SACRAMENTO COUNTY



SHERIFF'S DEPARTMENT

---

Glen Craig  
Sheriff

July 19, 1991

Federal Communications Commission  
1919 M Street NW, Room 222  
Washington D.C., 20036

ATTN: Office of the Secretary - Donna Searcy

Reference: In the matter of ProNet Inc., Petition for Rule  
making for the permanent provision of Electronic  
Tracking Services.

Dear Ms. Searcy;

The Sacramento Sheriff's Department wishes to voice its support of the petition submitted by ProNet Inc., for the permanent provision of an Electronic Tracking Service (ETS) within the Rules and Regulations of the FCC. We need the new technology tools this service provides. This vital law enforcement monitoring and tracking service enables us to promote safety of life and property through the expanded use of radio communications for crime control and prevention.

We became involved with ETS and the Electronic Tracking System in 1984 and have found it to be a valuable tool in critical law enforcement areas. Specifically, our organization has had experience with ETS in the area of robberies of Sacramento financial institutions, where the Electronic Tracking System has resulted in robbery felon apprehension and subsequent conviction under circumstances that typically would have resulted in the robber getting away. Over time, we have experienced an overall decline in our robbery rate where we employ the system, and this has led to increased personal safety for the citizens who live and/or work in Sacramento. To date, more than 300 felony arrests have been made as a direct result of this system.

In addition we are using this system for investigative applications, primarily in our Narcotic Bureau. We have used

Federal Communications Commission  
Page 2  
July 19, 1991

ETS transmitters to stay on top of large amounts of "flash" money, to assist in staying with our undercover officers and in following suspect vehicles. We are gradually expanding the use of the system into other areas of investigation.

If you need additional information, please call me at (916) 440-5277.

Very truly yours,



Captain Phil Davis  
Commander, Technical Services

PD:jm



**Security Division**

**July 25, 1991**

**Federal Communications Commission  
%ProNet Tracking Systems  
P.O. Box 260409  
Plano, Texas**

**Gentlemen:**

**The growing use of electronic tracking devices is of extreme importance to financial institutions and law enforcement, due to their success ratio for capture of felons away from the bank and protection of innocent parties.**

**Bank robberies are on the rise nationally and each robbery presents an extreme risk of personal injury to customers, employees, innocent bystanders, or responding law enforcement. In view of such risk, a number of institutions, in cooperation with local law enforcement, began using electronic tracking devices as an outstanding case solution tool and effective deterrent of multiple robbery attempts.**

**Potential bank robbery attempts cannot be foreseen with any reliability and financial institutions are popular victims due to their full cooperation with robbers. Over 80% of our 1991 robberies in Nevada involved individuals newly arrived into the State. Among these persons, over 60% were involved in multiple robberies in other states, prior to being captured in Nevada where ProNet has a presence.**

**The single most effective device for capture of the robber, before committing additional robberies, has been the electronic tracking devices of ProNet. It is imperative that every consideration be given to cooperation with ProNet, local law enforcement, and financial institutions in allowing permanent licensing of the ProNet units.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Robert W. Randolph", written over a horizontal line.

**Robert W Randolph  
Director of Security**

EXHIBIT 2

Lt. John Brunner  
San Francisco P.D.

Ronald L. Renfro  
Wells Fargo Bank

Shelly Connors  
BEST Products

Captain Richard McKee  
Las Vegas Metro P.D.

Roger Ouellette  
PriMerit Bank

Ray Hawkins  
Dallas P.D.

Bobby Gillham  
FBI-Dallas

Bobby Richardson  
Highland Park D.P.S.

Monte C. Dunn  
Sunbelt Savings

Ben Adamcik  
Tom Thumb Page

Ronald E. Lowenberg  
Huntington Beach P.D.

Dennis Jefcoat  
Costa Mesa P.D.

Captain L.R. DeVore  
Fullerton P.D.

Michael R. McCrary  
Signal Hill P.D.

Captain Stanley S. Kantor  
Anaheim P.D.

Ronald D. Meehan  
La Habra P.D.

W.D. Stearns  
Seal Beach P.D.

Keith D. Marshall  
First Interstate Bank

Arnold E. Nielsen  
Century Federal Savings & Loan

Detective Robert Benson  
Portland P.D.

Richard Kirkland  
Reno P.D.

D.G. Coppa  
Washoe County Sheriff's Office

Elizabeth M. Watson  
Houston P.D.

80577.03

GW03/ MILRO/ 80577  
065188/ 000001

CERTIFICATE OF SERVICE

I, Kathy Mountcastle, a secretary in the law firm of Gardere & Wynne, do hereby certify that the attached Reply Comments was mailed the 14th day of October, 1991, via U.S. Mail, first class, postage prepaid, to the following:

Gregory M. Schmidt, Esq.  
Covington & Burling  
P.O. Box 7566  
Washington, D.C. 20044

Julian Shepard, Esq.  
Vice President and General Counsel  
Association for Maximum Service Television, Inc.  
1400 16th Street, N.W., Suite 610  
Washington, D.C. 20036

Martin W. Bercovici, Esq.  
Keller & Heckman  
1001 G Street, N.W., Suite 500 West  
Washington, D.C. 20001

\* Ms Cheryl Tritt  
Legal Advisor to Chairman Sikes  
Federal Communications Commission  
1919 M Street, Room 814  
Washington, D.C. 20036

\* Dr. Brian F. Fontes  
Special Advisor to Commissioner Quello  
Federal Communications Commission  
1919 M Street, Room 802  
Washington, D.C. 20036

\* Mr. Stevenson S. Kaminer  
Senior Advisor to Commissioner Marshall  
Federal Communications Commission  
1919 M Street, Room 826  
Washington, D.C. 20036

\* Ms Madeline Kuchera  
Advisor to Commissioner Barrett  
Federal Communications Commission  
1919 M Street, Room 844  
Washington, D.C. 20036

\* Mr. Robert Branson  
Advisor to Commissioner Barrett  
Federal Communications Commission  
1919 M Street, Room 844  
Washington, D.C. 20036

\* Mr. Leonard J. Kennedy  
Senior Legal Advisor to Commissioner Duggan  
Federal Communications Commission  
1919 M Street, Room 832  
Washington, D.C. 20036

\* Mr. Thomas P. Stanley  
Chief Engineer  
Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, Room 7002  
Washington, D.C. 20036

\* Mr. H. Franklin Wright  
Chief, Frequency Liaison Branch  
Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, Room 7322  
Washington, D.C. 20036

\* Mr. Tom Mooring  
Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, Room 7330  
Washington, D.C. 20036

\* Mr. Rodney Small  
Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, Room 7332  
Washington, D.C. 20036

\* Mr. Ralph A. Haller  
Chief, Private Radio Bureau  
Federal Communications Commission  
2025 M Street, Room 5002  
Washington, D.C. 20036

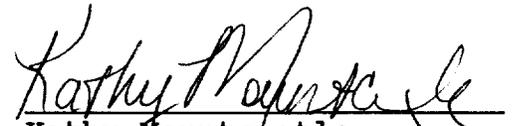
\* Ms Beverly Baker  
Deputy Chief, Private Radio Bureau  
Federal Communications Commission  
2025 M Street, Room 5002  
Washington, D.C. 20036

\* Mr. Kent Y. Nakamura  
Legal Counsel, Private Radio Bureau  
Federal Communications Commission  
2025 M Street, Room 5002  
Washington, D.C. 20036

\* Mr. Fred Thomas  
Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, Room 7338  
Washington, D.C. 20036

\* Mr. Jeffrey Kam  
Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, Room 7320  
Washington, D.C. 20036

\* Mr. F. Ronald Netro  
Chief, Rules Branch, Private Radio Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 5126  
Washington, D.C. 20554

  
Kathy Mountcastle

Dated: October 14, 1991

\* HAND DELIVERED ON OCTOBER 15, 1991

First Interstate Bank  
of Oregon, N.A.  
Security Services  
P.O. Box 3131  
Portland, OR 97208-3131  
503 225-3910  
FAX 220-2823

**First  
Interstate  
Bank**



William L. Bell  
Vice President

RECEIVED

MAR 2 - 1992

Federal Communications Commission  
Office of the Secretary

February 28, 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20036

REFERENCE: In the matter of a request by PRONET,  
Inc. for grant of a Pioneer's Preference for its  
Electronic Tracking Service.

File #PP-23, RM-7784

Dear Ms. Searcy:

The Security Services Department of First  
Interstate Bank of Oregon, Northwest Region,  
submits the following comments in support of the  
request by PRONET, Inc. for a permanent license and  
a grant of Pioneer's Preference.

We are a user of the Electronic Tracking Service  
within the city limits of Portland and have  
participated in the program since July, 1991.  
Tracking devices are presently installed in 23 of  
our branches to assist in the apprehension of  
robbery suspects.

Participation in the tracking program has had a  
significant impact in the reduction of robberies at  
First Interstate Bank. We had a 38% decrease in  
robberies during 1991 and attribute this decrease  
to the use of the tracking devices. Law enforcement  
officers have arrested 10 of our robbers and  
recovered in excess of \$30,000 since July of 1991.  
We strongly believe that future developments in  
technology will increase the effectiveness of the  
tracking devices resulting in additional  
apprehensions.

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CITY OF ANAHEIM, CALIFORNIA

MAR 2 - 1992

Police Department

Federal Communications Commission  
Office of the Secretary

February 27, 1992

Ms. Donna R. Searcy, Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M Street N.W., Room 222  
Washington, D.C. 20036

RE: In the matter of a request by ProNet Inc. for grant of a  
Pioneer's Preference for its Electronic Tracking Service

File #PP-23, RM-7784

Dear Ms. Searcy:

The Anaheim Police Department hereby submits its Comments in Support of the above referenced Request for a Pioneer's Preference filed by ProNet Inc.

As the Chief of the Anaheim Police Department, I wish to express my support in ProNet Inc.'s bid for a Pioneer's Preference grant for its Electronic Tracking System.

The Anaheim Police Department entered into a contract with ProNet in May of 1989. ProNet's Electronic Tracking System has proven to be of great assistance to us in locating and arresting fleeing bank robbers.

I am familiar with ProNet's Request and their Petition for Rulemaking to provide permanent spectrum in the 216-220 MHz band for ETS, and to authorize ETS to operate under the Business Radio Service rules and we fully support this request.

The Anaheim Police Department supports the grant of a Pioneer's Preference (and Rulemaking) to ProNet because they have a proven track record in providing innovative technology which assists us in the fight against serious crime.

Based on the Tracking System's record, it is clear that a grant of a Pioneer's Preference for permanent licensed operation of this sophisticated tracking technology will facilitate crime prevention significantly and thus will serve the public interest.

Sincerely,

  
JOSEPH T. MOLLOY  
CHIEF OF POLICE

JTM:jn

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List A B C D E

# MULTCO CREDIT UNION

MEAD BRANCH  
(503) 248-3076  
(503) 248-3548 FAX  
4110 S.E. Hawthorne Blvd.  
Portland, OR 97214-5292



MEAD BRANCH  
(503) 248-3020  
FAX (503) 248-3120  
LOWER LEVEL  
421 SW Fifth Avenue  
Portland, OR 97204-2238

Ms. Donna R. Scarcy, Secretary  
Federal Communications Commission  
1919 M. Street N.W. Room 222  
Washington, D.C. 20036

2-27-92

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MAR 2 - 1992

RE: The matter of a Pioneer's Preference for ProNet's electronic tracking service.

Federal Communications Commission  
Office of the Secretary

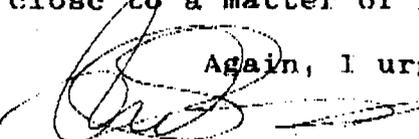
File PP-23, RM-7784

Multco Credit Union would like to support the granting of Pioneer's Preference relative to to ProNet Inc.'s electronic tracking system (ETS). Our credentials for supporting the ETS are basic. In the three years prior to installation, our small credit union had been the victim of six bank robberies, including one multi-teller incident and two where weapons were displayed.

To maintain and enhance the level of service provided to financial institutions, I am asking that the FCC provide permanent spectrum in the 216-2320 MHz band and authorize ProNet to operate under the Business Radio Services rules and Pioneer's Preference.

Bank robberies across the nation are increasing in violence. Within the past four years, there have been two fatalities during the commission of bank robberies in our Metropolitan area. Since the installation of an ETS in the Portland, Oregon eighteen months ago, bank robberies have decreased while both apprehensions and convictions have increased. In the state with the highest rate of bank robbery in the nation, this type of service provided by ProNet is quite close to a matter of life and death.

Again, I urge favorable consideration in this case.

  
Robert Burns  
Manager

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